IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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February 2022
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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
February 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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GLOBAL

Stockholm Convention on persistent organic pollutants (POPs): 17th meeting of the POPs Review Committee (announcement)

The 17th meeting of the persistent organic pollutants (POPs) Review Committee was held in Switzerland in January 2022 where the United Nations expert committee reviewed proposals for adding substances to Annex A of the Stockholm Convention. Annex A contains substances which all signatory countries must act to phase out. The substances reviewed and the Committee's decisions are noted below:

- Methoxychlor (CAS No. 72-43-5):
  - used as a pesticide
  - committee recommended listing this in Annex A without exemptions
  - a decision on listing is expected at the Conference of the Parties (COP) in 2023
- UV-328 (2-(2H-Benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)phenol) CAS No. 25973-55-1:
  - additive used as a stabilizer in plastic products
  - committee adopted its risk profile
  - moves substance forward towards a possible recommendation at COP 2023 in Annex A for elimination
- Dechlorane Plus (CAS No. 13560-89-9):
  - used as flame retardant
  - committee adopted its risk profile
  - moves substance forward towards a possible recommendation at COP 2023 in Annex A for elimination

The committee also considered three new proposals for inclusion for elimination (Annex A) or restriction (Annex B) and decided to move the following substances forward to the next stage of the review process:

- long-chain perfluorocarboxylic acids, their salts, and related compounds
- medium chain chlorinated paraffins
- chlorpyrifos

More information can be found here.

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AFRICA

Morocco

Order to set the specific requirements for handling polychlorinated biphenyl waste (published)

On 20 January 2022, Morocco published an order for the handling of polychlorinated biphenyl (PCB) waste. This complements the provisions provided by the Stockholm Convention and the Basel Convention. PCBs are a group of man-made compounds that are widely used in numerous applications including:

- electrical insulating fluids in transformers and capacitors
- hydraulic fluids
- heat transfer fluids
- lubricating fluids
- adhesives
- oil-based paints
- plastics

These substances have been shown to cause adverse effects on human health (e.g., cancer, reproductive harm and immune system suppression) and the environment.

The order outlines certain obligations for legal entities handling PCB waste, which include:

- storing PCB waste in sealed containers, drums, or receptacles bearing a label clearly indicating their contents and appropriate hazard symbols
- sending an inventory of the waste stored to the Minister of Energy Transition and Sustainable Development (the government authority responsible for sustainable development) by 20 April 2022 – this applies to the operator of the storage facility for PCB waste
- treating PCB waste in such a way that no longer poses a risk to human health and the environment

Further requirements for the order are set in Chapter II (collection and transport); Section 1, Chapter III (storage); and Section 2, Chapter III (treatment with a view on disposal or recovery).

No penalties for non-compliance have been established.

More information can be found here in English and in French.

ASIA

India

India delays implementation of quality control orders for five specialty substances (published)

India's Department of Chemicals and Petrochemicals (DCPC) delayed the implementation of Bureau of Indian Standards (BIS) quality control orders (QCOs) for five specialty substances; the BIS QCOs will now enter into force on 22 June 2022 instead of 21 December 2021. DCPC announced the delay on 24 December 2021 through five notifications (one for each substance). The delay, which was due to COVID-19, enables manufacturers, importers, and traders of the five substances to operate and trade uninterruptedly until 22 June 2022.

The five substances that are subject to a delayed implementation date for the BIS QCOs are:

- phthalic anhydride (CAS Number: 85-44-9) is used as an intermediate in the plastic industry and must conform to Indian Standard (IS) 5158:1987
- ethylene glycol (CAS Number: 107-21-1) is used in antifreeze and de-icing solutions as well as hydraulic brake fluids and must conform to IS 5295:1985
- toluene (CAS Number: 108-88-3) is used as a solvent, and in aviation fuel, paints, and adhesives and must conform to IS 537:2011
- terephthalic acid (CAS Number: 100-21-0) is used in paints and coatings and must conform to IS 15030:2001
- n-butyl acrylate (CAS Number: 141-32-2) is used for making paints, coatings, caulks, sealants, and adhesives and must conform to IS 14709:1999

The BIS 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 must display the BIS mark.

Penalties for non-compliance include fines up to 5 lakh rupees.

More information can be found here.

Japan

Amendments to the Poisonous and Deleterious Substances Control Law (effective)

Following a consultation for the revision of the List of Poisonous and Deleterious Chemicals, which ended on 30 December 2021, the Japanese Ministry of Health, Labor and Welfare published the final version of the List on 28 January 2022. The List is designated under the Poisonous and Deleterious Substances Control Law (PDSCL), which was implemented in 1950 to control poisonous and deleterious substances from a hygiene point of view to protect public health. According to the PDSCL, companies manufacturing, importing, storing, selling, providing, or handling poisonous and deleterious substances are subject to certain obligations. These include:

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- business registration for manufacture, import and sales
- appointment of qualified personnel to prevent health and hygiene hazards
- labelling on substance packaging and containers
- providing a safety data sheet
- record keeping
- sound disposal management

The following amendments are made to the PDSCL:

- addition of a deleterious substances:
  - 4-methylbenzenesulfonic acid (CAS No. 104-15-4)
  - preparations containing over 5% of 4-methylbenzenesulfonic acid
- removal of a deleterious substance: bis(2-methylpropyl)3,3'-[ethane-1,2-diylbis(oxyethane-2,1-diylsulfandiyl-4,1-phenylene)]bis(2-cyanoprop-2-enoate) (CAS No. 2260706-63-4)
- designation of two poisonous substances as deleterious substances:
  - preparations containing less than or equal to 0.1% of sodium o-(ethylmercurithio)benzoate [CAS No. 54-64-8]
  - preparations containing less than or equal to 1.5% of 2,3,5,6-Tetrafluoro-4-methylbenzyl (Z)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (CAS No. 79538-32-2).

The amendments are effective from 1 February 2022; but companies have until 30 April 2022 to ensure compliance with the new obligations for the substances listed above.

Penalties for non-compliance include fines up to two million yen and/or imprisonment for not more than three years.

Information can be found in the Cabinet Order No. 36 in English and in Japanese. More information can be found in Ordinance No. 17 in English and in Japanese.

Philippines

Chemical Control Order for Vinyl Chloride (draft)

The Philippines' Department of Environment and Natural Resources published a draft chemical control order (CCO) for vinyl chloride in February 2022 to:

- decrease the risk of exposure to human health and the environment from vinyl chloride used in industrial processes
- increase awareness of the toxicity of vinyl chloride, and the availability of safer alternatives
- ensure the proper implementation of the existing framework for vinyl chloride
- ensure appropriate prevention-based programs are taken to minimize or eliminate risks from the use of vinyl chloride
- provide guidelines to identify potential vinyl chloride release/exposure in industrial facilities to decrease workers' exposure to this substance

CCOs either restrict, ban, or gradually phases out substances in the Philippines. They are issued for chemicals that pose an unreasonable risk to public health and the environment.

Vinyl chloride is listed in the Philippines Priority Chemicals List (PCL), which is a list of existing and new chemicals that have been determined to potentially pose unreasonable risk to public health, workplace, and the environment. Therefore, companies must provide a PCL compliance certificate or exemption. With the approval of the CCO for vinyl chloride, companies will also be subjected to certain obligations, including:

- registering online with the Environmental Management Bureau and applying for permits for any activities (import, manufacture, distribution, use, treating, handling, transport, storing, disposal)
- applying for importation clearance (applies only for importers of vinyl chloride)
- providing safety data sheets and labels according to the globally harmonized system
- submission of a management plan that will prove that the risks posed to the environment, health, and safety will be eliminated or minimized

Unreacted vinyl chloride monomers in polyvinyl chloride resins and vinyl chloride monomers of any polymer are not covered under this CCO.

The CCO will enter into effect 15 days after its publication in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Register.

There is no deadline provided for comments or implementation. Therefore, interested parties may still provide comments on this draft CCO for vinyl chloride.

More information can be found here.

Singapore

Control of five new chemicals as hazardous substances under the Environmental Protection and Management Act (draft amendment)

On 7 February 2022, Singapore's National Environment Agency announced to the World Trade Organization their plan to control five new chemicals as hazardous substances under the Environmental Protection and Management Act (EPMA). The EPMA is an Act to consolidate the laws relating to environmental pollution control, to provide for the protection and management of the environment and resource conservation, and for related purposes.

The purpose of adding the five substances is to implement Singapore's obligations under the Stockholm Convention and Rotterdam Convention. Importers, manufacturers, and distributors of these substances and articles containing these substances will be required to apply for a permit for the import, export, sale, store, and use of the chemicals. The five substances are:

- amitrole (CAS No. 61-82-5)
- nonylphenol (NP) and nonylphenol ethoxylates (NPE) (CAS Nos. 25154-52-3, 84852-15-3, 11066-49-2, 90481-04-2, 9016- 45-9, 26027-38-3, 37205-87-1, 68412-54-4, 127087-87-0, and 104-40-5)
- iprodione (CAS No. 36734-19-7)
- dechlorane Plus (DP) (CAS No. 13560-89-9)
- UV-328 (CAS No. 25973-55-1)

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The amendment is expected to be published in the national gazette in April 2022 and the provisions are expected to be in force in March 2023.

More information can be found here.

South Korea

Ministry of Environment Notice No. 2022-38 to revise the designation of priority control substances (draft amendment)

On 28 January 2022, South Korea's Ministry of Environment (MoE) published MoE Notice No. 2022-38, which revises the designation of priority control substances. The consultation for this Notice ended on 17 February 2022. Priority control substances, which are notified by the MoE under K-REACH, are chemicals considered harmful to human health or the environment. Manufacturers, importers, or users of products containing these substances need to report the use, contents, and exposure scenarios to the MoE. Examples of substances that are considered priority control substances are:

- carcinogenic, mutagenic, and reprotoxic substances
- endocrine disrupting chemicals
- persistent, bio-accumulative, and toxic substances
- specific target organ toxicity substances
- substances of very high concern

Under MoE Notice No. 2022-38, certain changes are proposed, including:

- adding 162 substances (54 types of chemicals)
- combining the current Annex 1 (204 substances) and Annex 2 (468 substances) into one list
- grouping chemicals in Annexes 1 and 2 with similar structures or the same functional groups
- removing 4 chemicals that are designated as priority control substances due to being already listed as prohibited substances

The proposed amendments are expected to come into effect on 1 January 2024.

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

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EUROPE

France

2022 strategy for the reduction, reuse, and recycling of single-use plastic packaging (consultation)

France opened a public consultation on 5 February 2022 regarding their 2022 strategy for the reduction, reuse, and recycling of single-use plastic packaging (known as the "3R strategy for plastic packaging"). They have also published a draft law to approve the strategy.

The need for a national strategy was stipulated in Law No. 2020-105 of 10 February 2020 relating to the fight against waste and the circular economy. The strategy aims to determine the sectoral or general measures necessary to achieve the objectives stated in this Law. These measures include the mobilization of extended producer responsibility sectors and the adaptation of the rules for marketing and distribution of packaging. The comment period on the strategy ended on 25 February 2022.

The proposed strategy is divided into three parts:

- Part 1 includes a summary of the environmental, economic, and social issues associated with single-use plastic packaging, a description of the regulatory tools, existing initiatives, and an introduction of framing elements and key definitions
- Part 2 includes a summary of the current state of single-use plastic packaging on the market, objectives of the decree and their main deployment challenges, potential trajectories for 2025 and prospects for 2040 by sector, assessment of the environmental impacts of alternatives, and articulation of the 2025 objectives and the 2040 prospects
- Part 3 proposes an action plan, both of general and sectoral scope, to achieve the 2025 objectives and the 2040 prospects

More information can be found here in English and in French.

European Union

Revision of regulation (EU) 2017/852 on mercury and repealing regulation (EC) 1102/2008 (draft amendment)

Regulation (EU) 2017/852 on mercury has restricted the use of mercury in most mercury-added products (MAPs) in the European Union (EU). However, mercury is still used in some products such as lamps and measuring devices. The European Commission (EC) launched a public consultation to review the regulation on 8 February 2022. This review, which is in line with the EU's ambition for a toxic-free environment (announced in the European Green Deal), focuses on further restricting the remaining uses of mercury in MAPs in the EU. Accordingly, the EC will assess the need for further prohibition (at the EU level) of manufacturing and exporting of certain MAPs through an amendment to Annex II of the regulation under the

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Minamata Convention agreement. The EC plans to adopt a revision proposal to the regulation in the fourth quarter of 2022.

Comments for the public consultation should be submitted to the EC by 3 May 2022.

More information can be found here.

The European Chemicals Agency received intentions for new harmonized classification and labelling intentions on piperonal and ethane-1,2-diol (draft amendment)

The European Chemicals Agency (ECHA) received intentions (submitted by Member State competent authorities, manufacturers, importers, or downstream users) for new or revised harmonized classification and labelling for two substances:

- piperonal (EC No. 204-409-7; CAS No. 120-57-0) – used for the manufacture of textiles and leather; intention submitted by Ireland
- ethane-1,2-diol (EC No. 203-473-3; CAS No. 107-21-1) – used in adhesives and sealants, polymers, heat transfer fluids, hydraulic fluids, and anti-freeze products; intention submitted by the Netherlands

Anyone with relevant information on the identity or hazard properties of the substance is encouraged to provide the information to the dossier submitter during the early stages of the process, or at the latest during the consultation (ECHA website does not yet provide a date for end of consultation).

More information can be found here for piperonal and ethane-1,2-diol.

The European Chemical Agency opened consultation on classification and labelling consultation on two substances (consultation)

On 7 February 2022, the European Chemicals Agency opened a consultation period to invite comments on the hazard classes of two substances:

- dibenzoyl peroxide (EC No. 202-327-6; CAS No. 94-36-0) – used in polymerization reactions (polymers, resins, rubbers) and as an intermediate, adhesive, sealant, coating resin hardener, and toner by industrial and professional workers
- reaction mass of 1,3-dioxan-5-ol and 1,3-dioxolan-4-ylmethanol (CAS and EC Nos. not available) – used in coatings, adhesives, sealants, elastomers, and anti-freeze and de-icing products

Interested parties should comment by 8 April 2022.

More information can be found here.

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Call for evidence and public consultation on European Union Rules on the certification of carbon removals (consultation)

The European Union opened a call for evidence and public consultation on 7 February 2022 for the EU rules on the certification of carbon removals. Carbon removal is the process of removing carbon dioxide from the atmosphere and storing it in terrestrial and marine ecosystems, geological reservoirs, or products without doing harm to ecosystems.

The proposal for a regulation is in line with the European Green Deal and European Climate Law objectives, which aim to achieve a balance between greenhouse gas emissions and removals by 2050. The proposal aims to ensure sustainable carbon removals and to encourage industries to use innovative solutions to capture, recycle, and store carbon dioxide. Following the consultations, the European Commission will develop and establish a regulation to provide necessary rules to monitor, report, and verify the authenticity of carbon removals.

Interested parties must provide comments by 2 May 2022.

More information n-hexane draft amendment can be found here.

Calls for comments and evidence on the restriction proposal for 1,2-dichloroethane (consultation)

On 2 February 2022, the European Chemicals Agency (ECHA) opened a consultation to invite interested parties to express their views and concerns in the preparatory phase of the restriction proposal for 1,2-dichloroethane (EC No.203-458-1; CAS No. 107-06-2). The information gathered will be used to prepare an Annex XV restriction dossier under REACH. The comments were due on 16 March 2022.

1,2-dichloroethane is mainly used in the production of vinyl chloride monomer, which is used to make polyvinyl chloride (PVC). It is also used as a thinner in paints, solvent, and raw material in the production of other chemicals as well as in the formulation of coatings and adhesives.

More information can be found here.

Proposal to add eight substances of very high concerns to REACH Annex XIV (consultation)

On 2 February 2022, the European Chemicals Agency (ECHA) opened a consultation on a proposal to add eight substances of very high concern (SVHCs) to the REACH Regulation Authorisation List (Annex XIV). This applies to specific uses of the SVHCs (two of the eight substances have not yet been registered under the REACH Regulation).

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 Authorisation List, which means that the use of these substances will be prohibited unless a company receives an authorization from the European Commission to continue its use.

The eight substances are:

- 2-(4-tert-butylbenzyl)propionaldehyde and its individual stereoisomers (EC and CAS No. not available)
- 2-benzyl-2-dimenthylamino-4'-morpholinobutyrophenone (EC No. 404-360-3; CAS No. 119313-12-1)
- 2-methyl-1-(4-methylthiophenyl)-2-morpholinopropan-1-one (EC No. 400-600-6; CAS No. 71868-10-5)
- Diisohexyl phthalate (EC No. 276-090-2; CAS No. 71850-09-4)

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- Ethylenediamine (EC No. 203-468-6; CAS No. 107-15-3)
- Glutaral (EC No. 203-856-5; CAS No. 111-30-8)
- Lead (EC No. 231-100-4; CAS No. 7439-92-1)
- Orthoboric acid, sodium salt (EC No. 237-560-2; CAS No. 13840-56-7)

Interested parties must provide comments by 2 May 2022.

More information can be found in the announcement from ECHA, in the Annex to ECHA News, and in the ECHA invitation for comments.

Revision of REACH Regulation to help achieve a toxic-free environment (draft amendment)

On 20 January 2022, the European Commission (EC) launched a public consultation on revisions to REACH. The revisions are being made under the European Union Chemicals Strategy for Sustainability to better align the laws with EC's goal for safe and sustainable use of chemicals without disrupting market access.

The revisions are open for comments (due by 15 April 2022) on the following topics:

- revision of the registration requirements, including increasing information requirements and establishing the obligation to register polymers
- introduction of mixtures assessment factors
- simplification of communication in the supply chains
- revision of the provisions for dossier and substance evaluation
- reform of the authorization and restriction processes, including the extension of generic approaches to risk management and the introduction of the essential use concept
- revision of control and enforcement provisions

The consultation results will be used to create the EC's impact assessment, which is expected the summer of 2022. Next steps include presenting the final proposal to the European Council for adoption by the end of 2022.

More information can be found here.

Restricting the use of per- and polyfluoroalkyl substances in fire-fighting foams (proposal)

On 19 January 2022, the European Chemicals Agency (ECHA) submitted a proposal to restrict the use of per- and polyfluoroalkyl substances (PFAS) in firefighting foams. PFAS are a large group of man-made substances used in various products such as firefighting foams, paints and coating, phosphate ester-based brake and hydraulic fluids, wires and cables, lubricant for turbine engines, and jet engine and satellite instrumentation. These substances are of high concern due to many PFAS being mobile, persistent, bio-accumulative and toxic.

The European Commission and ECHA have conducted a study on possible regulatory management options to address the risk of PFAS in firefighting foams. The results showed that fluorine-free firefighting foams, as substitutes to PFAS, are generally available and technically feasible and effective to the purpose.

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The proposal will be evaluated by ECHA's Scientific Committee for Risk and socio-economic analysis will be subject to a consultation later on. Interested stakeholders will be invited to comment on the proposal during the consultation period.

More information can be found here.

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

Directive 2011/65/EU (RoHS Directive) restricts the use of hazardous substances in electrical and electronic equipment (EEE). RoHS Directive, which currently restricts the use of ten hazardous substances used in EEE, complements Directive 2012/19/EU on waste from electrical and electronic equipment (WEEE) and addresses hazardous substances in EEE, particularly the 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 European Union legislation covering substance assessment and restrictions (REACH Regulation) or legislation specific to EEE (Ecodesign Directive)

To address the issues above, the European Commission (EC) opened a call for evidence on 14 February 2022 under an initiative that will simplify and increase the efficiency and improve the enforcement of the RoHS Directive rules.

The target groups for this call for evidence are companies (manufacturers, suppliers, distributors, importers, etc.), trade associations, scientific bodies, and any other stakeholders holding relevant information. Comments were due to the EC by 14 March 2022.

More information can be found here.

Initiative to focus on labelling, standardization, certification, and regulatory measures for the main sources of microplastics (consultation)

The European Green Deal, the new Circular Economy Action Plan, and the European Union (EU) Plastics Strategy announced measures to tackle pollution from microplastics (small plastic pieces of less than 5 millimeters) that are intentionally added to products (e.g., cosmetics, detergents, and paints) and that are unintentionally released into the environment (e.g., from tires and synthetic textiles). The EU Action Plan 'Towards Zero Pollution for Air, Water and Soil' states that by 2030, the EU should reduce plastic litter at sea by 50% and microplastics by 30%. In this regard, the European Commission opened a public consultation for the initiative on tackling unintentionally released microplastics on 22 February 2022. This follows a call for evidence, which ended on 18 January 2022.

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The initiative will focus on labelling, standardization, certification, and regulatory measures for the main sources of microplastics. It aims to:

- improve the science on the risks and occurrence of microplastics in the environment, tap water, and food
- reduce environmental pollution and potential health risks of microplastics

Comments for the public consultation must be provided to the European Commission by 17 May 2022.

More information can be found here.

Spain

Spain ratifies the Minamata Convention on Mercury (published)

On 13 December 2021, Spain ratified the Minamata Convention on Mercury, which aims to reduce the adverse effects of mercury on humans and the environment. The Minamata Convention entered into force in Spain on 13 March 2022 after which manufacturers and relevant parties shall comply with provisions set forth, including restrictions on the manufacturing processes in which mercury or mercury compounds are used. Moreover, the Minamata Convention applies to mercury wastes and atmospheric emissions of mercury or mercury compounds, as well as the mining, import, and export of mercury.

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

More information can be found here in Spanish.

United Kingdom

Notice on the annual reporting of exports and imports for Prior Informed Consent chemicals during 2021 (announced)

On 26 January 2022, the Health and Safety Executive (HSE) issued a notice regarding the annual reporting of exports from and imports into Great Britain (GB) for Prior Informed Consent (PIC) chemicals during 2021. This is in accordance with the GB PIC Regulation, which controls the import and export of some hazardous chemicals to and from GB. The Regulation also requires for the reporting of 2021 exports to or imports from European Union countries, and movement to or from Northern Ireland.

For companies that are subject to annual reporting for PIC chemicals during 2021, details such as quantities (in kilograms[kg]) of exported or imported PIC chemicals must be provided in the report to the HSE. With regards to mixtures and articles, the quantity should refer to the PIC chemical within the mixture/article and not to the mixture/article as a whole.

Companies must provide reports to the HSE by 31 March 2022.

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Exemptions for annual reporting apply for special reference identification number requests. These are for exports in quantities not exceeding 10 kg per year (to each importing country) for purposes of research or analysis.

No penalties for non-compliance have been established.

More information can be found here.

Regulatory Management Options Analysis (RMOA) for four substances (published)

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

- dioctyltin dilaurate, stannane, dioctyl-, bis(coco acyloxy) derivatives, and any other stannane, dioctyl-, bis(fatty acyloxy) derivatives wherein C12 is the predominant carbon number of the fatty acyloxy moiety (DOTL) (EC and CAS Nos. not available)
- 1,4-dioxane (EC Number: 204-661-8; CAS Number: 123-91-1)
- small brominated alkylated alcohols (SBAA) (EC and CAS Nos. not available)
- phenol, alkylation products (mainly in para position) with C12-rich branched or linear alkyl chains from oligomerization, covering any individual isomers and/or combinations thereof (PDDP) (EC Number: 799-972-3; CAS No. not available)

On 9 February 2022, the UK HSE opened a call for evidence for the four substances to gather information and evidence that will support HSE and the EA with the preparation of the RMOA for the substances. The RMOA will recommend the most appropriate route for managing any identified risks. A possible route may be the addition of the substance groups on the Candidate List under the UK REACH Regulation. Substances that may have serious and often irreversible effects on human health and the environment can be identified as substances of very high concern (SVHCs). The Candidate List is a list of SVHCs that can be prioritized for inclusion on the Authorization List.

Comments for the call for evidence must be provided by 10 April 2022.

More information can be found here for DOTL, 1,4-dioxane, SBAA, and PDDP.

Amendments to the Poisons Act 1972 (consultation)

The United Kingdom (UK) opened a public consultation to seek views on proposed amendments to the Poisons Act 1972 (comments were due on 10 March 2022). The amendments propose changes to control measures for the sale of explosives precursors and poisons. The Poisons Act 1972 controls the sale of certain explosives precursors and poisons. The aim of the Poison Act is to control chemicals and poisons that can be used to cause harm. Members of the public and businesses that have a legitimate need to access these substances may be permitted to access under certain conditions.

There are three options provided for proposed amendments to the Act that should be considered for the consultation:

- Option 1: to make no changes at all
- Option 2: to strengthen and clarify measures within the Poison Act, but not change the substances and concentrations that can be acquired, imported, possessed, and used with a valid license

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- Option 3:
  - to introduce several new measures to increase security protections (safeguard against terrorism and malicious activity) by restricting access to chemicals of particular concern and increasing the ability to identify and act on suspicious transactions
  - to add an upper concentration threshold for explosives precursors and poisons licenses that are issued to members of the public
  - to include provisions provided under Option 2

The consultation is aimed at:

- businesses that supply chemicals and chemical products
- online marketplaces that facilitate the supply of chemicals and chemical products through their marketplaces
- members of the public who use certain chemicals and chemical products in their hobbies in England, Scotland, and Wales

Suppliers and online marketplace would need to report any suspicious acts within 24 hours of considering that a transaction or attempted transaction is suspicious.

More information can be found here in the open consultation announcement and in the consultation paper.

Surveys on duties under Article 33 of United Kingdom REACH (consultation)

On 8 February 2022, the UK's Health and Safety Executive (HSE) published a survey for Great Britain (GB)-based suppliers and retailers to gather opinions on duties under Article 33 of the United Kingdom (UK) REACH. The survey deadline was 9 March 2022. The Article 33 provision of UK REACH requires suppliers and retailers to provide information about substances of very high concern in the articles they supply. The survey results will help the Department for Environment, Health and Rural Affairs in assessing how well the obligations work in practice. This survey is not for informing enforcement practices.

More information can be found here.

NORTH AMERICA

United States

Final rule provides list of acceptable alternatives for ozone-depleting substances (effective)

On 20 January 2022, the US Environmental Protection Agency (EPA) published a final rule that provides a list of acceptable alternatives for ozone-depleting substances (ODS) under the Significant New Alternatives Policy (SNAP) program. These alternatives can be used without restriction in the specified end-uses.

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Acceptable substitutes are listed in the final rule for use in the following sectors:

- refrigeration and air conditioning
- foam blowing
- aerosols
- cleaning solvents
- adhesives, coatings, and inks

Alternatives for ODS provided in the Final Rule include:

- HCFO-1233zd(E) (CAS No. 102687-65-0) for industrial process air conditioning in new equipment only
- HCFO-1233yd(Z) (CAS No. 1263679-68-0) for electronics cleaning, metals cleaning, precision cleaning, aerosol solvents, and coatings
- blends of 10 to 90 percent HFO-1234ze(E) (CAS Number: 29118-24-9) by weight and the remainder HCFO-1233zd(E) for extruded polystyrene (boardstock and billet)
- blends of 10 to 90 percent HFO-1234ze(E) by weight and the remainder HFC-152a (CAS No. 75-37-6) for extruded polystyrene (boardstock and billet)
- blends of 0 to 100 percent HFO-1234ze(E), 0 to 70 percent methyl formate (CAS No. 107-31-3), 0 to 60 percent HFC-152a, 0 to 60 percent carbon dioxide (CAS No. 124-38-9), and 0 to 60 percent water (CAS No. 7732-18-5) for extruded polystyrene (boardstock and billet)

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

More information can be found in the Federal Register and the EPA announcement on SNAP substitute by sector.

Revision to the risk determination for cyclic aliphatic bromide cluster chemicals, including hexabromocyclododecane (draft amendment)

On 29 December 2021, the US Environmental Protection Agency (EPA) published a draft revision to the risk determination for cyclic aliphatic bromide cluster chemicals, including hexabromocyclododecane (HBCD), issued under the Toxic Substances Control Act (TSCA). The comment period for this draft revision ended on 14 February 2022; however, on 17 February 2022, the EPA reopened the comment period for HBCD till 4 March 2022. HBCD has been used as a flame retardant in building materials, including thermal insulation foams and textiles, and as an additive in recycled plastics. The HBCD chemical mixture meets the EPA's criteria for being persistent, bio-accumulative and toxic (PBT).

The next step in the process is for the EPA to consider public comment on the draft revised risk determination before releasing a final revised risk determination. The EPA will pursue action under TSCA Section 6(a) to address any unreasonable risks to health and the environment. They will ultimately propose and take public comments on risk management measures prior to publication of the risk management measures for HBCD.

More information can be found in the Federal Register and this announcement from EPA.

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