IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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July 2022
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NEWSLETTER

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

South Africa

National regulations for management of mercury (draft law)

South Africa aims to phase out products containing mercury by April 2023. This will involve banning the import, export, and manufacture of certain goods to eliminate emissions and releases of mercury. To align with the Minamata Convention on Mercury, South Africa developed draft regulations on 6 July 2022 for managing heavy metals under the National Environmental Management Act (comments were due on 4 August 2022). The draft regulations set by the Department of Forestry, Fisheries, and Environment include phase-down and phase-out plans for products and processes containing mercury above a certain level.

More information can be found here.

ASIA

China

Notice on the public solicitation of information on persistent organic pollutants such as methoxy DDT (consultation)

Persistent Organic Pollutants (POPs) may cause adverse effects to human health and the environment due to their persistent, bio-accumulative, toxic, and/or mobile nature. The Stockholm Convention on POPs aims to eliminate or restrict the production and use of 30 POPs. The Convention was signed on 22 May 2001, but the obligations under the Convention were effective from 1 November 2004 for China. The POPs that are listed under the Convention are distributed in three Annexes:

- Annex A – measures must be taken to eliminate the production and use of these chemicals
- Annex B – measures must be taken to restrict the production and use of these chemicals
- Annex C – measures must be taken to reduce the unintentional releases of these chemicals

Addition of chemical substances to the Annexes is permitted only after being reviewed and adopted by the Persistent Organic Pollutants Review Committee and the Conference of the Parties, respectively. The 18th meeting of the Convention's Persistent Organic Pollutant Review Committee will review Ultraviolet Absorber (UV-328; CAS No. 25973-55-1) in September 2022. In addition, the 11th Conference of the Parties to the Convention will consider an amendment to add methoxychlor (methoxy DDT; CAS No. 73-43-5) to Annex A in May 2023.

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Interested parties should report any relevant information regarding UV-238 and methoxychlor in writing to the Department of Solid Waste and Chemicals of the Ministry of Ecology and Environment before 20 August 2022.

More information can be found here in Chinese.

Notice for consultation on 338 Industrial standards and 98 sample standards (consultation)

The Chinese Ministry of Industry and Information Technology issued a notice on 1 July 2022 for a consultation of 338 industrial standards and 98 sample standards. Comments were due on 1 August 2022. The standards include:

- 109 standards relating to chemical industry
- 48 standards relating to metallurgical industry
- 88 standards relating to non-ferrous metal industry
- 4 standards relating to rare earth metals industry
- 1 standard relating to gold industry
- 40 standards relating to building materials industry
- 45 standards relating to machinery industry
- 3 standards relating to civil explosive industry

The standards for the chemical industry include chemicals used in plastics, coatings, and industrial uses.

More information can be found here in Chinese.

India

Indian Standards for toluene (consultation)

The Bureau of Indian Standards published a Draft Revision to the Indian Standards (IS) for toluene (comments were due on 31 July 2022), which proposes the following requirements for the use of toluene:

- minimum toluene of 99.8% by mass
- maximum non-aromatic hydrocarbons of 0.15% by mass
- maximum benzene content of 500 mg/kg
- maximum water content of 500 mg/kg

The IS provides new requirements, sampling methods, and tests for toluene. Furthermore, the IS establish requirements for handling, packaging, and marking of containers containing the substance. The following must be marked/labelled on the packaging:

- name of the substance/material
- the name of the manufacturer and their recognized trademark, if any
- month and year of manufacture
- net weight and gross weight
- batch and lot number
- any relevant health hazard warnings

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If the Draft Revisions are approved, products conforming with the requirements set out in the IS could be certified by the BIS and include the conformity mark on the packaging.

More information can be found here.

Japan

Classification of 46 hazardous substances (published)

On 14 June 2022, three ministries – Ministry of Health, Labor, and Welfare; Ministry of Economy, Trade, and Industry; and the Ministry of the Environment – announced that they will work with the National Institute of Occupational Safety and Health and the National Institute of Technology and Evaluation to collect testing data on chemical hazards from the public every year. The testing data will help classify 46 substances between June and September 2022 and check previously classified substances between October to December 2022. According to the plan, 50 to 100 chemical substances will be classified every year.

Any Safety Data Sheets (SDS) that are provided will only be used for official internal use (i.e., the SDS will not be made public). When publishing the recommended classification results, the name of enterprises will not be disclosed, and it will only indicate "information provided by enterprises".

Japan mandates the SDS and labelling requirements for designated substances through three main laws – the Industrial Safety and Health Law, the Pollutant Release and Transfer Register law, and the Poisonous and Deleterious Substances Control Law. Although these laws also encourage companies to provide SDSs and labels for hazardous substances, such provisions are currently not a legal requirement.

The list of substances subject to new classification is found here. More information can be found in Japanese from the National Institute of Technology and Evaluation.

Singapore

Revision to the Environmental Protection and Management Act to add 26 chemicals controlled under Chemical Weapons Convention (draft amendment)

On 13 June 2022, the National Environment Agency (NEA) of Singapore proposed to add 26 chemicals that are controlled by the Chemical Weapons Convention to the list of hazardous substances regulated by the Environmental Protection and Management Act (EPMA) and the Environmental Protection and Management (Hazardous Substances) Regulations. The NEA opened a consultation on this proposal, which ended on 4 July 2022. The EPMA consolidates the laws relating to environmental pollution control, to provide for the protection and management of the environment and resource conservation, and for related purposes. Falling under the EPMA, the Environmental Protection and Management (Hazardous Substances) Regulations facilitate the control of environmentally hazardous chemicals by the NEA.

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Though the 26 chemicals are currently regulated by the Singapore Customs under the Chemical Weapons (Prohibition) Act (CWPA), the NEA intends to strengthen regulatory controls over the import, export, manufacture, offer for sale, transport, purchase, storage, and use of these chemicals to ensure environmentally sound chemicals management.

Under the Hazardous Substances (HS) licensing regime, companies that perform any of the following activities involving any of the 26 chemicals must, in future, adhere to the following requirements:

- import, export, manufacture, offer for sale, transport, storage and/or use of the regulated chemicals – companies will be required to obtain a HS license
- purchase, storage, and/or use of the regulated chemicals – companies will be required to obtain a HS permit

Information can be found here on the 26 chemicals to be regulated. More information can be found here.

South Korea

Results of hazard assessment of chemical substances (effective)

On 28 June 2022, South Korea's National Institute of Environmental Research published hazard evaluation results for:

- 8 new chemical substances (updated results; unique numbers: 2017-297, 2017-1034, 2018-113, 2018-654, 2021-55, 2021-116", 2021-144 and 2021-200)
- 48 new chemical substances (new results; unique numbers: 2022-124 to 2022-171)
- 8 new chemical substances (updated results; unique numbers: 2020-012, 2020-043, 2021-063, 2021-133, 2021-144, 2021-158, 2021-159)
- 89 new chemical substances (new results; unique numbers: 2022-223 to 2022-311)

The evaluated substances have a variety of applications such as uses in coating products, adhesives, and polymers.

Under the K-REACH, hazard evaluations for substances are conducted by the South Korean Ministry of Environment (MoE). The evaluation of a particular substance may result in it being designated as a toxic substance and requiring further risk assessment. Based on the results of the hazard evaluation and risk assessment, the MoE designates the substance in question as being subject to authorization, restriction, or prohibition.

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

Additional information in Korean can be found here. The hazard assessment can be found in Korean in these two links for new substances and existing substances.

Turkey

Regulation on fluorinated greenhouse gases (in force)

On 29 June 2022, the Turkish Ministry of Environment, Urbanization, and Climate Change published the final version of the regulation for fluorinated greenhouse gases (GHGs) – hydrofluorocarbons (HFCs). This follows the draft version of the regulation that was published on 11 December 2020. The regulation is in line with the Kigali Amendment to the Montreal

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Protocol and implements the European Union's F-Gas Regulation [Regulation (EU) No 517/2014] that came into effect on 1 January 2015.

The Regulation sets requirements for the following for fluorinated GHGs:

- labelling (including other fluorinated substances and those in products and equipment)
- data collection
- leakage controls
- reporting
- placing on the market
- import
- export
- use
- quota distribution
- recovery and disposal

Turkey (Article 5 Party: Group 1) has already ratified the Kigali Amendment to the Montreal Protocol, which commits them to an 80% reduction of HFC production and consumption by 2045. There are various obligations set out in the Regulation, including:

- the Ministry of Environment, Urbanization, and Climate Change will set annual HFC quotas for the 2024 to 2045 period and after 2045
- placing disposable containers on the market is prohibited
- placing extruded polystyrene (XPS) foams and aerosols on the market is prohibited from 1 January 2025 (for products/equipment containing HFCs with a Global Warming Potential [GWP] of 150 or more)
- placing foams other than XPS on the market is prohibited from 1 January 2027 (for products/equipment containing HFCs with a GWP of 150 or more)
- using HFCs to service or maintain refrigeration equipment is prohibited from 1 January 2029 (for HFCs with a GWP of 2,500 or more and equipment with a charge size of 40 tonnes of CO_2 or more - exception applies to equipment designed to cool to -50°C)
- placing freezers and refrigerators on the market is prohibited from 1 January 2029 (for products/equipment containing HFCs with a GWP of 150 or more)
- trade with countries not a party of Kigali Amendment is prohibited from 1 January 2033
- using reclaimed or recycled HFCs to service or maintain existing refrigeration equipment is prohibited from 1 January 2033 (for HFCs with a GWP of 2,500 or above)

General exclusions apply to the recovery of fluorinated GHGs from air conditioning equipment in motor vehicles.

Penalties for non-compliance include fines according to Article 20 of the Law No. 2872.

Additional information can be found in Turkish here.

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EUROPE

European Union

Amendment to the Carbon Border Adjustment Mechanism (adopted)

On 22 June 2022, the European Parliament approved amendments to the Carbon Border Adjustment Mechanism (CBAM). The last amendment to the CBAM was done in May 2022. The June amendment increases the scope of products to include organic chemicals, plastics, polymers, hydrogen, and ammonia, and includes indirect greenhouse gas (GHG) emissions from production.

The European Parliament delayed the transition period to 31 December 2026 from 2024, and modified the GHG emission allowances as follows:

- 100 % from 2023-2026
- 93 % in 2027
- 84 % in 2028
- 69 % in 2029
- 50 % in 2030
- 25 % in 2031
- 0 % in 2032

Penalties for non-compliance include a fine for each tonne of CO_2 equivalent past the given allowance.

More information can be found here.

Act on liquid mercury waste – temporary storage pending treatment for final disposal (consultation)

The European Union (EU) Mercury Regulation [Regulation (EU) 2017/852] aims to protect human health and the environment from anthropogenic emissions and releases of mercury. The regulation accounts for the entire lifecycle of mercury from primary mercury mining to the final disposal of mercury waste. Currently, the regulation permits, until 31 December 2022, liquid mercury waste to be temporarily stored in dedicated landfills, pending treatment for final disposal. As the EU still has significant stocks of liquid mercury waste awaiting proper treatment, the European Commission (EC) intends to extend the temporary storage period until 31 December 2025.

On 19 July 2022, the EC opened a consultation on the draft act on liquid mercury waste - temporary storage pending treatment for final disposal. The consultation aims to determine whether there is a need to authorize, beyond 31 December 2022, the temporary storage of liquid mercury waste in landfills pending further treatment for final disposal. The comments were due on 16 August 2022.

More information can be found here from the European Commission and EUR-Lex.

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Initiative for better access to chemicals data for safety assessments (consultation)

The European Commission has launched an initiative on 19 July 2022 to improve access to chemical data by removing technical and administrative barriers. This is based on the principle that the data must be interoperable and secure, as well as available, shared, and reused. The initiative will make it easier to access and use all available data and will increase transparency. The initiative will also facilitate access to monitoring data to support the zero-pollution monitoring and zero-pollution outlook framework and assist in the implementation of the European Union (EU) data strategy in the chemicals area.

The call for evidence will gather the views of stakeholders, EU agencies, and Member States based on their knowledge and experience on how to improve data access, strengthen the use of all available data, and increase transparency. Comments were due on 16 August 2022.

More information can be found here.

Harmonized classification and labelling consultation on three substances (draft amendment)

On 14 June 2022, the European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of three substances:

- trimethyl phosphate (CAS No. 512-56-1; EC No. 208-144-8) – used in paints and polymers
- 2,3-epoxypropyl isopropyl ether (CAS No. 4016-14-2; EC No. 223-672-9) – used in coatings, paints, and polymer
- barium chromate (CAS No. 10294-40-3; EC No. 233-660-5) – used in pyrotechnics, batteries, metal-joining compounds, and paints.

Interested parties should comment by 2 September 2022.

More information can be found here.

Restriction proposal for terphenyl, hydrogenated (consultation)

On 20 June 2022, the European Chemicals Agency (ECHA) opened a consultation for a draft restriction proposal under the REACH Regulation for terphenyl, hydrogenated (CAS No. 61788-32-7). The proposal intends to restrict the use of terphenyl, hydrogenated as a substance, in mixtures, and articles or parts thereof. Terphenyl, hydrogenated is used in adhesives, sealants, coatings, and additives in plastic applications.

Comments must be submitted to ECHA by 20 December 2022.

More information can be found here.

Amendment to REACH Regulation (EC) No 1907/2006 regarding lead and its compounds in polymers or copolymers of vinyl chloride (consultation)

On 8 June 2022, the European Commission (EC) published a draft amendment to the REACH Regulation [Regulation (EC) No 1907/2006 to prohibit the use of lead and lead compounds in polymers or copolymers of vinyl chloride (PVC) articles. This

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will apply to the placing on the market of PVC articles containing a concentration of lead equal to or greater than 0.1% of the PVC. Comments were due to the EC on 7 August 2022.

There are a few derogations provided under the draft amendment, including PVC-silica separators in lead acid batteries and PVC articles containing recovered rigid PVC (recovered origin of the PVC material needs to be certified by an independent third party).

More information can be found here.

The Committee for Socio-Economic Analysis's draft opinion on restriction proposal for 2,4-dinitrotoluene (consultation)

On 15 June 2022, the European Chemicals Agency (ECHA) opened a consultation for the Committee for Socio-Economic Analysis (SEAC) draft opinion for the proposed restriction for 2,4-dinitrotoluene (CAS No. 121-14-2; EC No. 204-450-0). 2,4-dinitrotoluene was identified by ECHA as a substance of very high concern and is in Annex XIV to the REACH Regulation. The proposed restriction applies to the placing on the market or use as a substance in articles for supply to the general public or to professional workers in concentrations above 0.1%. 2,4-dinitrotoluene is used as a chemical intermediate to make flexible polyurethane foams, coatings, sealants, adhesives, and elastomers. Comments were due on 15 August 2022.

The final opinions committees, including the Committee for Risk Assessment (RAC), are scheduled to be available by September 2022. ECHA will send the joint opinion of the Committees to the European Commission (EC), and the EC will take the decision whether to include the restriction in Annex XVII of the REACH Regulation.

More information can be found here.

United Kingdom

The department for Environment, Food, and Rural Affairs is seeking comments on extending the UK REACH transitional registration deadlines (consultation)

Since the United Kingdom (UK) left the European Union, the UK REACH is the regulatory system put in place to ensure that companies handling chemicals understand and manage their risks. There were transitional provisions set to reduce the disruption to industry as the UK moved to the new regime from EU REACH.

On 5 July 2022, the UK Department for Environment, Food and Rural Affairs opened a consultation to extend the deadlines for providing complete registration data. The government wishes to hear from stakeholders on government proposals to extend:

- the current UK REACH deadline to submit dossiers for transitional registrations
- the dates for the Health and Safety Executive to carry out compliance checks on 20% of registration dossiers

Interested stakeholders should comment by 1 September 2022.

More information can be found here.

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The Product Safety (Amendment) Regulations 2022 (draft amendment)

On 23 June 2022, Great Britain published a draft amendment to the Product Safety (Amendment) Regulations 2022. This proposes to amend a series of regulations to extend the transitional arrangement period for the implementation of the UK Conformity Assessed (UKCA) certificate.

Completed conformity assessment activities for CE marking[1] undertaken before the end of 2022 will be valid for manufacturers to use as a basis for UKCA for the duration of the certificate issued or until 31 December 2027 (whichever is shorter). Ongoing activities related to that completed conformity assessment activity (e.g., annual inspections) will also be permitted for the duration of the certificate issued or until 31 December 2027 (whichever is shorter). Additionally, importers are allowed information and the Great Britain conformity marking (UKCA) to be added to products using a label or accompanying document, rather than being physically marked on the product itself, until 31 December 2025.

The list of regulations relevant to the Aerospace and Defense sector that will be amended include:

- Explosives Regulations 2014
- Pyrotechnic Articles (Safety) Regulations 2015
- Electrical Equipment (Safety) Regulations 2016
- Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016
- Eco-design for Energy-related Products Regulations 2010
- The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

More information can be found here.

Public Call for Evidence on amending Annex 14 (the Authorisation List) of UK REACH Regulation (consultation)

The UK Department for Environment, Food, and Rural Affairs (DEFRA) published two calls for evidence on 21 June 2022 for the Amendment of Annex 14 (the Authorisation List) of the UK REACH Regulation. Comments were due on 12 August. The amendment proposes to include the following substances on Annex 14:

- dicyclohexyl phthalate (CAS No. 84-61-7)
- disodium octaborate (CAS No. 12008-41-2)

The authorization process under UK REACH aims to ensure that substances of very high concern (SVHCs) are progressively replaced by less dangerous substances or technologies where feasible alternatives exist. In December 2021, the Health and Safety Executive (HSE) provided a recommendation to the Secretary of State on which SVHCs are a priority of inclusion on Annex 14 of UK REACH. Following the HSE's recommendation, the Appropriate Authorities must decide whether those priority substances should be included in the list of substances subject to authorization (Annex 14 of the UK REACH).

The calls for evidence for DCHP and disodium octaborate are on behalf of the UK Government, the Welsh Government, and the Scottish Government. These will be used to inform the Appropriate Authorities' consideration of HSE's recommendation.

More information can be found here on disodium octaborate and dicyclohexyl phthalate.

[1] i.e., meets high safety, health, and environmental protection requirements in the European Economic Area (EEA)

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NORTH AMERICA

Canada

Greenhouse Gas Offset Credit System (announced)

On 8 June 2022, the Government of Canada launched the Greenhouse Gas (GHG) Offset Credit System as part of their 2030 Emissions Reduction Plan. The system aims to incentivize GHG reductions and applies across Canada. Under the system, businesses are encouraged to invest in technologies that reduce pollution from GHGs. Registered participants can conduct projects that follow a federal offset protocol, which set out how reductions in GHG emissions are measured for specific projects.

To date, one protocol, the Landfill Methane Recovery and Destruction Protocol, has been published. This protocol aims to reduce GHG emissions from waste. Operators can generate offset credits for recovering landfill gas from their facilities and destroying or repurposing it into energy with technologies including flares, boilers, turbines, and engines.

Within projects, users generate one tradeable offset credit for every tonne of emissions reduced or removed from the atmosphere. Credits can then be sold or traded with others under the carbon pollution pricing system (the Greenhouse Gas Pollution Pricing Act).

Additional federal offset protocols are in development for refrigeration systems and direct air carbon capture and sequestration.

Proponents must submit applications to register offset projects using the Credit and Tracking System. Project proponents must reside or have a place of business in Canada. The deadline for technical experts interested in supporting the development of the Direct Air Carbon Capture and Sequestration Protocol to submit candidacy packages was 31 July 2022.

Penalties for non-compliance include fines.

More information can be found in this notice and news release from the Government of Canada.

Final assessments of p-toluenesulfonic acid and sucrose acetate isobutyrate (SAIB) (published)

On 18 June 2022, the Canadian Ministers of the Environment and of Health Canada published a final screening assessment for 4-methyl benzenesulfonic acid (p-toluenesulfonic acid, PTSA) (CAS No. 104-15-4) and sucrose acetate isobutyrate (SAIB) (CAS No. 27216-37-1) under the Canadian Environmental Protection Act (CEPA), 1999. The assessments concluded that PTSA and SAIB do not meet any of the toxicity criteria set out in Section 64 of the CEPA; therefore, no regulatory action needs to be taken for the two substances.

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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

PTSA is primarily used in the manufacture of paints and coatings and of plastic and rubber materials. SAIB is used as an adhesive.

More information can be found here for p-toluenesulfonic acid and sucrose acetate isobutyrate.

Proposed new risk management actions for 2-butanone, oxime (consultation)

The Government of Canada opened a consultation for the proposed new risk management plan of 2-butanone, oxime (CAS No. 96-29-7), a chemical found in paints and coatings, stains and finishes, and adhesives and sealants. 2-Butanone, oxime was added to the toxic substances list under the Canadian Environmental Protection Act (CEPA) after assessment indicated that it has carcinogenic and non-carcinogenic health risks. A performance measurement evaluation found the risk management for this substance to be ineffective.

The proposal sets concentration limits for the following products of concern:

- exterior non-spray paints, coatings, stains, and finishes (including primers, varnish, and polyurethane) – 0.032% weight/weight (w/w)
- interior or dual-use spray paints and coatings – 0.18% w/w
- interior or dual-use spray paints and coatings – 0.048% w/w
- exterior spray paints and coatings – 0.55% w/w
- interior or dual-use gasketing adhesives and silicone sealants – 0.20% w/w
- exterior silicone sealants – 0.42% w/w

Comments must be submitted by 13 October 2022.

More information can be found here.

United States

The Environmental Protection Agency added five PFAS to the toxics release inventory (published)

On 18 July 2022, the US Environmental Protection Agency (EPA) published a final rule adding 5 per- and polyfluoroalkyl substances (PFAS) to the toxics release inventory (TRI) list, which is under Section 313 of the Emergency Planning and Community Right-to-know Act (EPCRA). PFAS are a large group of man-made substances, which are used in various products such as firefighting foams, paints and coating, phosphate ester-based brake and hydraulic fluids, wires and cables, lubricant for turbine engines, jet engine, and satellite instrumentation.

The following PFAS were added to the TRI list:

- perfluorobutane sulfonic acid (CAS No. 375-73-5)
- perfluorobutanesulfonate (CAS No. 45187-15-3)

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- potassium perfluorobutane sulfonate (CAS No. 29420-49-3)
- 2-propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate (CAS No. 65104-45-2)
- 2-propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, gamma-omega-perfluoro-C10-6-alkyl acrylate and stearyl methacrylate (CAS No. 203743-03-7)

Facilities that are subject to reporting requirements for the aforementioned PFAS should begin to monitor and collect data on certain activities for these chemicals. Reporting forms will be required to be submitted to the EPA for facilities that manufacture, process, or otherwise use TRI-listed chemicals above the reporting threshold. Companies must report on the management, recycling, release, and waste of PFAS, including data on the quantities of PFAS released into the environment or managed as waste.

The deadline to provide information for the PFAS above with CAS No. 65104-45-2 was 1 July 2022. The deadline is 1 July 2023 for the remaining 4 PFAS.

No penalties for non-compliance have been established.

More information can be found in the this news release from EPA and this notice from EPA's Toxics Release Inventory Program. .

Updates to regulations governing significant new uses of chemical substance under the Toxic Substances Control Act (published)

On 5 July 2022, the US Environmental Protection Agency (EPA) amended the regulations governing significant new uses of chemical substances under the Toxic Substances Control Act. Chemical manufacturers, importers, and users of chemical substances subject to the 40 CFR part 720, 721, or 723 might be affected by this action. The EPA updated language of the rules to better align with the Occupational Safety and Health Administration Hazard Communications Standard (HCS), and changes to the OSHA Respiratory Protection Standard and the National Institute for Occupational Safety and Health respirator certification requirements for the respiratory protection of workers from exposure to chemicals. These changes will apply to all previously issued significant new use rules that contain respirator requirements.

Anyone submitting a new substance notification or exemption application (e.g., pre-manufacture notice, significant new use notice and low volume exemption) must file any safety data sheet that has been developed, including in draft form. There is also a requirement to develop a written hazard communication program for workplace exposures that conforms to the HCS. Finally, the EPA clarified that the term "predictable or purposeful release" does not include releases where emergency conditions exist and significant new use notification is not possible. Therefore, routine or repeated activity that results in releases to water, or non-routine releases to water that are not due to emergency conditions, are included in the term "predictable or purposeful."

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 in the Federal Register and the Code of Federal Regulations.

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Final revision to the Toxic Substances Control Act risk determination of cyclic aliphatic bromide cluster (published)

On 29 June 2022, the US Environmental Protection Agency (EPA) published the final revision for the Toxic Substances Control Act (TSCA) risk determination for the cyclic aliphatic bromide cluster (HBCD). HBCD is used as a flame retardant and in recycled plastics.

The revision finds that HBCD presents an unreasonable risk to human health, which must be addressed through regulatory measures. The EPA employed a whole-chemical rather than use-by-use risk determination approach for these substances. Additionally, the revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment.

More information can be found in the Federal Register.

Significant new use rules on 21 substances (Batch 19-4.F) (published)

On 27 June 2022, the US Environmental Protection Agency (EPA) published significant new use rules (SNUR) for the SNUR Batch 19-4.F under the Toxic Substances Control Act. This will become effective on 26 August 2022. SNUR Batch 19-4.F consists of 21 substances.

Users 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 makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

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

More information (and the list of the 21 substances) can be found in the Federal Register.

Draft revision to Toxic Substances Control Act risk determination of 1-Bromopropane, Perchloroethylene, N-methylpyrrolidone, Methylene Chloride, and Trichloroethylene (consultation)

The US Environmental Protection Agency (EPA) published draft revisions for the Toxic Substances Control Act risk determination for five substances:

- 1-bromopropane (1-BP; CAS No. 106-94-5) – used as an aerosol solvent in aircrafts and synthetic fiber manufacturing, and as a vapor and immersion degreaser in metals, metal products, plastics, optics, and electronics manufacturing
- perchloroethylene (PCE; CAS No. 127-18-4) – used in water repellants, paint removers, printing inks, glues, sealants, polishes, and lubricants
- n-methylpyrrolidone (NMP; CAS No. 872-50-4) – used in paint and coating removal, petrochemical processing, engineering plastics coatings, and electronic cleaning
- methylene chloride (CAS No. 75-09-2) – used in paint stripping, paint remover manufacturing, and metal cleaning, and degreasing

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- trichloroethylene (TCE; CAS No. 79-01-6) – used to make refrigerants and other hydrofluorocarbons, and used as a degreasing solvent for metal equipment

The draft revisions find that these substances present an unreasonable risk to human health, which must be addressed through regulatory measures. The EPA employed a whole-chemical rather than use-by-use risk determination approach for these substances. Additionally, the revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment.

Comments were due on 1 August for PCE and NMP, 4 August for methylene chloride, and 8 August for TCE. Comments are due on 19 August 2022 for 1-BP.

More information can be found in the Federal register for 1-BP, PCE, NMP, methylene chloride, and TCE.

Significant new use rules on 29 chemical substances (Batch 21-3.5e) (draft amendment)

The US Environmental Protection Agency (EPA) published proposed significant new use rules (SNURs) for the SNUR Batch 21-3.5e under the Toxic Substances Control Act. SNUR Batch 21-3.5e consists of 29 substances. Comments were due on 25 July 2022.

Users of these substances must notify the EPA through submitting a significant new use notice at least 90 days before manufacturing, processing, or 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 makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

More information can be found in the Federal Register.

Oceania

Australia

Australia revokes the confidential business information for six industrial chemicals (published)

On 14 July 2022, the Australian Government published a notice that revokes the confidential business information (CBI) for the proper names of six industrial chemicals that were listed in the Australian Inventory of Industrial Chemicals (AIIC). These substances are:

- sulfonic acids, C15-18-sec-alkane hydroxy and C15-18-sec-alkene, sodium salts (CAS No. 1029874-65-4)
- sulfonic acids, C20-24-branched alkane hydroxy and C20-24-branched alkene, sodium salts (CAS No. 1084935-55-6)
- 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, hexanedioic acid, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate and 1,3-isobenzofurandione, benzoate isononanoate (CAS No. 2768937-93-3)

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- 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, hexanedioic acid, 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate and 1,3-isobenzofurandione, benzoate (CAS No. 2768937-94-4)
- 2-propenoic acid, 2-methyl-, (1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl ester, rel-, polymer with 1,4-butanediol, butyl 2-propenoate, dimethyl carbonate, 1,6-hexanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 1,5-pentanediol, diethanolamine-blocked, compds. with 2-(dimethylamino)ethanol (CAS No. 1312349-72-6)
- 2-propenoic acid, 2-methyl-, (1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl ester, rel-, polymer with 1,4-butanediol, butyl 2-propenoate, 1,3-dioxolan-2-one, 1,6-hexanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and 1,5-pentanediol, diethanolamine-blocked, compds. with 2-(dimethylamino)ethanol (CAS No. 1312350-88-1)

Chemical substances that are listed in the AIIC can be introduced by any registered introducers (i.e., manufacturer or importer). According to the Industrial Chemicals Act 2019, which regulates the manufacture and import of industrial 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.

Penalties for non-compliance include fines.

More information can be found here.

Exemptions for introduction of chemicals granted under National Industrial Chemicals Notification and Assessment Scheme will expire 31 August 2022 (published)

As part of the transitional arrangements, exemptions for the introduction of chemicals that were granted under the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) are due to expire on 31 August 2022 and the exemptions will not be renewed. Thus, from 1 September 2022, chemicals cannot be introduced under any of the NICNAS exemption types. Companies must categorize their introduction under the Australian Industrial Chemicals Introduction Scheme (AICIS) and meet the requirements for the relevant introduction category. The AICIS was implemented on 1 July 2020 and replaced the NICNAS. AICIS is a key regulatory framework for the introduction of industrial chemicals into Australia.

The exempted chemical types that are relevant to aerospace and defense include

- non-cosmetic use not exceeding 100 kilograms per year
- use for research, development, or analysis

Penalties for non-compliance include fines.

More information can be found here.

Australia adds nine substances to the Inventory of Industrial Chemicals (published)

The Australian Government's Department of Health published a notice on 28 June 2022 that adds nine substances to the Australia Inventory of Industrial Chemicals (AIIC). Chemical substances that are listed in the AIIC can be introduced by any

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registered introducers (i.e., manufacturer or importer). According to the Industrial Chemicals Act 2019 (the Act), which regulates the manufacture and import of industrial 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 the nine substances in accordance with Section 82 of the Act, 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:

- 2-propenoic acid, polymer with ethene and ethenyl acetate, C18-22-alkyl esters (CAS No. 1440950-37-7)
- 2-propenoic acid, butyl ester, telomer with 1,1'-(1,1-dimethyl-3-methylene-1,3-propanediyl)bis[benzene], ethenylbenzene and 2,5-furandione, ester with .alpha.-methyl-.omega.-hydroxypoly(oxy-1,2-ethanediyl) and 2-methyloxirane polymer with oxirane monobutyl ether, compd. with 2-(diethylamino)ethanol (CAS No. 2756610-36-1)
- 2,5-furandione, telomer with ethenylbenzene and (1-methylethyl)benzene, compd. with 2 (diethylamino)ethanol (CAS No. 2756985-70-1)
- nitric acid, calcium potassium salt (1:?:?) (CAS No. 1584676-24-3)
- siloxanes and silicones, di-Me, di-Ph, Me hydrogen, polymers with Me silsesquioxanes and vinyl group-terminated di-Me, di-Ph siloxanes (CAS No. 1361332-59-3)
- 2-propenoic acid, 2-methyl-, polymer with .alpha.-(1-oxo-2-propen-1-yl)-.omega.-([1,1'-biphenyl]-2-yloxy)poly(oxy-1,2-ethanediyl) and 2-propenoic acid (CAS No. 1040096-79-4)
- poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, 2-ethylhexanoate (CAS No. 1176178-26-9)
- nitric acid, ammonium calcium salt (1:?:?) (CAS No. 15245-12-2)
- 2-propenoic acid, 2-methyl-, polymer with ethenylbenzene, 2-ethylhexyl 2-propenoate, 2-hydroxyethyl 2-propenoate, N-(hydroxymethyl)-2-methyl-2-propenamide and methyl 2-methyl-2-propenoate, ammonium salt (CAS No. 146753-99-3)

Penalties for non-compliance include fines.

More information can be found here.

The Department of Health corrects the 2,5-furandione polymer name (published)

On 8 April 2022, the Australian Department of Health published a draft notice 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 in that the word "hydrolyzed" should not be included in the 2,5-furandione polymer's name (CAS Number: 1428963-39-6). The draft notice also proposed to add the correct 2,5-furandione polymer's name (CAS Number: 1431957-88-8) to the AIIC. On 30 June 2022, the Australian Department of Health published the final evaluation statement for the correction of the 2,5-Furandione polymer's name. The changes were implemented on 29 July 2022.

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).

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Chemical substances that are listed in the AIIC can be introduced by any registered introducers (i.e., manufacturer or importer). According to the Industrial Chemicals 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.

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

More information can be found here.

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