IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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October 2022
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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
October 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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  RETURN TO TABLE OF CONTENTS

NEWSLETTER

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

TABLE OF CONTENTS

  RETURN TO TABLE OF CONTENTS

  RETURN TO TABLE OF CONTENTS

  RETURN TO TABLE OF CONTENTS

ASIA

China

The second batch of mandatory national standard project plans in 2022 (consultation)

China's Ministry of Industry and Information Technology (MIIT) invited the public on 22 September 2022 to submit comments on its draft plan to revise and replace its mandatory national standard for Globally Harmonized System (GHS) labelling. The comment period ended on 29 October 2022. The draft includes provisions for the preparation of chemical safety labels, limits on radionuclides for building materials, and a limit for the water-soluble chromium (VI) present in cement.

The draft regulations on the preparation of chemical safety labels will replace the current GHS labelling standard (GB 15258), which was issued in 2009. GB 15258 specifies the relevant definitions, content, preparation requirements, and application methods for preparing precautionary labels for chemicals in China.

More information can be found here in English and in this announcement from MIIT in Chinese.

India

Bureau of Indian Standards Quality Control Orders for six substances (in force)

On 2 September 2022, the Ministry of Chemicals and Fertilizers' Department of Chemicals and Petrochemicals published an amendment to delay the implementation of Quality Control Orders (QCOs) associated with six substances to enter into force on 12th March 2023. The substances are:

- acrylonitrile butadiene styrene (CAS No. 9003-56-9)
- ethylene dichloride (a.k.a. 1,2-dichloroethane; CAS No. 107-06-2)
- polycarbonate (CAS No. 25037-45-0)
- vinyl chloride monomers (CAS No. not available)
- p-xylene (CAS No. 106-42-3)
- polyurethanes (CAS No. not available)

QCOs apply to products/articles whose function is determined by their shape, surface, or design to a greater degree than their chemical composition. These orders require anyone handling the products/articles, including companies manufacturing or importing and downstream users, to comply with the requirements set out in the QCOs or face a ban.

Penalties will be applied under the Bureau of Indian Standards Act. Penalties for non-compliance include fines of up to 5 lakh rupees.

More information can be found in Hindi and English the Gazette of India.

  RETURN TO TABLE OF CONTENTS

Revision to the varnish stoving specifications (consultation)

On 16 September 2022, the Bureau of Indian Standards (BIS) opened a consultation on revising varnish stoving specifications. Generally, varnish stoving is used to protect wooden and metallic surfaces due to their resistance against acids, salt solutions, foodstuffs, water, and grease.

The draft establishes the requirements and methods of sampling and testing for varnish stoving, and it restricts the maximum permissible limits of lead in this material to 90 parts per million. The draft states that the material must be packed in tin or galvanized containers, or as agreed to between the purchaser and the supplier. If the varnish stoving is intended for defense purposes, it shall be packed and marked in accordance with IS 5661. Furthermore, the draft sets marking requirements, including:

- name and type of the material
- name of the manufacturer or his recognized trademark, if any
- volume of the material
- batch number or lot number in code or otherwise
- month and year of manufacture
- maximum lead content, as declared
- cautionary notes

The containers may also be marked with the BIS Certification Mark.

The deadline for comments is on 25 November 2022.

More information can be found in this note from BIS.

Japan

New export requirement for perfluorooctanoic acid, its salts and related compounds and for Decabromodiphenyl ether (in force)

On 21 October 2022, the Japanese Ministry of Economy, Trade, and Industry (METI) enforced new export requirements for perfluorooctanoic acid (PFOA, CAS. No. 335-67-1), its salts and related compounds and for decabromodiphenyl ether (decaBDE; CAS No. 1163-19-5). PFOA is used as a surface treatment agent in firefighting foams and paints. DecaBDE is used as a flame retardant in plastics and electronics.

METI issued the new export requirements as amendments (proposed on 19 August 2022) to the Export Trade Control Order (the Order). The Order specifies the types of goods subject to license requirements and authorization. This amendment implements the latest update of the Rotterdam Convention – the addition of PFOA, its salts and related compounds, and decaBDE in June 2022 to Annex III – the list of chemicals subject to the Prior Informed Consent (PIC). Under the PIC procedure, companies who intend to export goods containing substances in Annex III of the Rotterdam Convention must first inform the importing country and obtain their consent. Importing countries can refuse the import of goods under the PIC procedure. Companies must obtain permission from the METI to export the aforementioned substances and comply with the Rotterdam Convention's export restrictions such as the PIC procedures.

Both substances are also listed under the Stockholm Convention on persistent organic pollutants, which means that Japan is obliged to eliminate their production and use.

  RETURN TO TABLE OF CONTENTS

Penalties for non-compliance have not been specified in this amendment. However, penalties such as fines and/or imprisonment apply according to the Order.

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

Japan adds 172 substances to the list of existing chemical substances under the Industrial Safety and Health Law (published)

The Japanese Ministry of Health, Labor, and Welfare (the Ministry) added 172 substances to the list of existing chemical substances under the Industrial Safety and Health Law (ISHL). In Japan, new chemical substances being manufactured or imported are required to be notified under the ISHL and the Chemical Substances Control Law. Under the ISHL, manufacturers and importers of substances classified as existing chemical substances do not need to notify the substances to the Ministry as new chemical substances.

Substances are added to the ISHL inventory one year after they have been notified to the Ministry as new chemical substances. The ISHL inventory applies to substances manufactured in or imported to Japan for workplaces uses and is intended to protect workers from harm.

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

More information can be found here in Japanese

Russia

Amendment to the 1998 federal law on production and consumption waste (published)

The Government of the Russian Federation published Federal Law No. 268-FZ on 14 July 2022 to amend the Federal Law of 24 June 1998 on production and consumption waste. Under the changes, "the collection of waste" and "secondary sources of waste" definitions have been added. In addition, requirements for handling secondary resources have been included. Secondary resources are waste that (or parts of which) can be reused for the production of goods, performance of work, provision of services or energy, and that are obtained as a result of the separate accumulation, collection, or processing of waste, or formed in the course of production.

The new law prohibits secondary resources burial and obligates legal entities or individual entrepreneurs to ensure their utilization on their own or transfer to other persons for the purpose of utilization. Furthermore, the new law includes the requirements for handling by-products of production. By-products of production may include substances and/or objects formed in the production of the main products, including in the course of the performance of work and the provision of services, and which are not the purpose of this production, work, or service.

Requirements for handling by-products of production include:

- handling by-products shall not cause any pollution of the environment
- by-products cannot be sent to a third party that does not meet the requirements established for raw materials or products
- classification of by-products of production as waste or not

  RETURN TO TABLE OF CONTENTS

Federal Law No. 268-FZ will be effective on 1 March 2023. No penalties have been specified for non-compliance.

More information can be found here in Russian.

Approval of three lists of chemicals, equipment, or technologies, subject for export control, for use in chemical weapons and military equipment (published)

In July 2022, the Government of the Russian Federation published and approved three lists of substances, equipment, or technologies subject to export control. A list of substances has been approved for use in chemical weapons. In addition, two lists of goods and technologies have been approved for use in the creation of weapons and military equipment. The three lists are:

- Decree No.1284 – list of chemicals, equipment, and technologies that can be used in the creation of chemical weapons and for which export control has been established
- Decree No.1285 – list of nuclear materials, equipment, special non-nuclear materials, and related technologies subject to export control
- Decree No.1299 – list of dual-use goods and technologies that can be used in the creation of weapons and military equipment and for which export control is carried out

All three lists are subject to restrictions on export, in accordance with Article 8 of the Federal Law "On Export Control". This establishes restrictions on foreign economic activity, including in relation to goods, information, works, and services that can be used to create weapons of mass destruction, their means of delivery, and other types of weapons and military equipment.

Decree No. 1284 includes installations for the production of chemicals specified in the list, such as glass or enamel coatings, reaction vessels, storage containers, and silver-clad materials.

Penalties for non-compliance include a three-year ban on engaging in foreign economic activity.

More information can be found in Russian in Decree No. 1284, Decree No. 1285, and Decree No. 1299.

Establishing a list of prohibited products due to issues in their processing, disposal, or recycling of generated waste (draft)

On 5 August 2022, the government of the Russian Federation published a draft decree to establish a list of products for which production will be prohibited due to issues in their processing, disposal, or recycling of waste generated. The decree enters into force on 1 March 2024. The list includes:

- mercury-containing products
- ozone-depleting substances
- products containing persistent organic pollutants

Exclusions include:

- products for civilian protection and military use
- products for scientific research
- certain mercury-containing products without alternatives

  RETURN TO TABLE OF CONTENTS

No penalties are specified in the draft decree.

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

South Korea

Regulation on designation of substances subject to authorization (published)

On 25 August 2022, South Korea's Ministry of Environment (MoE) officially published a regulation on the designation of substances subject to authorization, which came into effect on 15 October 2022. Substances subject to authorization cannot be used or placed on the market after a specified date unless the usage has been authorized or is exempt from authorization. The process of authorization consists of selecting the substances subject to authorization for which a risk review and socio-economic impact review will be conducted by the MoE.

The ministry will decide if substances are subject to authorization after which both public and industry-focused consultations will be conducted. All the information will be sent to the Chemical Substance Evaluation Committee who will send their opinion back to the MoE.

The MoE will make the final decision on a candidate substance that requires permission from the MoE before its manufacture, import, or use under K-REACH. MoE will publicly announce the approved substances, including the following information:

- chemical name and CAS number
- content standards for mixtures
- usages exempted from obtaining authorization
- grace period

No penalties have been defined in this regulation.

Information can be found here in English and in Korean.

New requirements for the export of decabromodiphenyl ether and perfluorooctanoic acid, its salts, and related compounds (consultation)

On 27 September 2022, South Korean Ministry of Environment (MoE) opened a consultation on proposed rules that provide additional requirements for two persistent organic pollutants (POPs). The comment period ended on 17 October 2022. Under the proposed rules, companies exporting decabromodiphenyl ether (decaBDE; CAS No. 1163-19-5) and perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and related compounds will need to:

- obtain approval of MoE to export and submit a notice prior to export
- mark hazard information on substance packaging/containers and provide safety data sheet information to handlers in importing countries

PFOA is a PFAS (Per- and Polyfluoroalkyl Substances), which is used in surface treatment agents, paints, and firefighting foams. DecaBDE is a brominated flame retardant that is used in plastics and electronics. Both substances are also listed

  RETURN TO TABLE OF CONTENTS

under the Stockholm Convention that requires countries to eliminate their production and use. However, some specific uses are still temporarily allowed.

Information can be found here in English and in Korean.

Amendment to the Operation Bulletin of the Electrical Appliances and Consumer Products Safety Control Act (consultation)

The Korean Agency for Technology and Standards (KATS) proposed amendments on 16 September 2022 to the Operation Bulletin of the Electrical Appliances and Consumer Products Safety Control Act. Comments were due on 16 November 2022. The proposal affects the batteries used in fixed-type energy storage systems (ESSs) and Electrical Appliance Safety Standard (KC 62619) as follows:

- KATS will align the national standard with the international standards following the issuance of international standards, IEC 62619 Edition 2.0
- new standard will have an expanded scope of application – all ESSs batteries will be included in the safety management target regardless of whether the battery-applied products can be moved or not in accordance with the applicable IEC
- further action is related to the adjustment of test items by capacity – adjustment of functional safety evaluation items for small batteries (5kWh or less) is made to alleviate the burden of test costs

Information can be found in Korean in this announcement from KATS.

Taiwan

Restriction on import of asbestos-containing products (published)

On 4 October 2022, the Environmental Protection Administration in Taiwan announced that the import of asbestos-containing products will be prohibited starting from 1 May 2023. Asbestos was classified as a Class 2 toxic chemical substance under Taiwan's Toxic and Concerned Chemical Substances Control Act (TCCSCA) in May 1989. On 1 January 2018, EPA banned all uses of asbestos in Taiwan, except for research, testing, and education applications.

TCCSCA introduces many concepts of the European Union REACH Regulation into Taiwan. It requires enterprises manufacturing or importing new and existing chemical substances above certain tonnages to register those substances with the EPA.

Penalties for non-compliance are between NT$ 60,000 and NT$ 300,000.

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

  RETURN TO TABLE OF CONTENTS

EPA adds four and updates the classification of ten organotin compounds (consultation)

On 4 October 2022, the Environmental Protection Agency (EPA) in Taiwan opened a consultation to add four organotin compounds and to update the classification of ten other organotin compounds. The deadline for comments was 3 November 2022. The draft amendment proposes to add the following four organotin compounds for which the new classification will require special handling of the chemicals:

- triphenyl-α-naphthyltin (CAS No. 81134-67-0)
- tripropyltin fluoride (CAS No. 682-32-6)
- tritolyltin bromide (CAS No. 58436-46-7)
- tritriphenylstannyl methane (CAS No. 50485-45-5)

In addition, the EPA proposes to update the classification of the following substances in order to prohibit their uses as anti-fouling systems or in the manufacture of biocides:

- tributyltin oxide / Bis(tributyltin)oxide (CAS No. 56-35-9)
- triphenyltin hydroxide (CAS No. 76-87-9)
- tributyltin acetate (CAS No. 56-36-0)
- tributyltin bromide (CAS No. 1461-23-0)
- tributyltin chloride (CAS No. 1461-22-9)
- tributyltin fluoride (CAS No. 1983-10-4)
- tributyltin hydride (CAS No. 688-73-3)
- triphenyltin bromide (CAS No. 962-89-0)
- triphenyltin acetate (CAS No. 900-95-8)
- triphenyltin chloride (CAS No. 639-58-7)

Once approved, a grace period of 1-2 year(s) will be provided for enterprises to comply with the requirements.

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

EUROPE

European Union

New Exemption for lead added to Annex IV of the RoHS Regulation (in force)

The European Union added a new exemption to Annex IV of Directive 2011/65/EU (RoHS Directive) for lead in bismuth strontium calcium copper oxide (BSCCO) in superconductor cables and wires, and lead in electrical connections to these wires. The amendment to the RoHS Directive was published in the Official Journal of the European Union on 22 September 2022 and entered into force on 12 October 2022.

  RETURN TO TABLE OF CONTENTS

The RoHS Directive sets obligations on electrical and electronic equipment (EEE). It prohibits the placing on the market of EEE, including cables and spare parts for repair, containing more than the permissible maximum concentration values of substances listed in Annex II of the directive. Annex IV includes the applications exempted from the restrictions under the legislation, specific to medical devices and monitoring and control instruments.

The EU granted an exemption for BSCCO in superconductor cables and wires, and lead in electrical connections to these wires. The amendment obligates the Member States to implement the exemption into national law by 28 February 2023. The earliest allowed application date for the exemption is 1 March 2023, but this date might vary depending on the Member State. The exemption expires on 30 June 2027.

Penalties for non-compliance vary by Member State.

More information can be found here.

Exemptions for lead in polyvinyl chloride and for mercury in melt pressure transducers (draft)

The European Commission (EC) published two initiatives for two exemptions for lead and mercury in October 2022 under the Directive 2011/65/EU (RoHS Directive). The RoHS Directive restricts the use of hazardous substances in electrical and electronic equipment (EEE). There are specific time-limited exemptions under the RoHS Directive that can be granted upon request from businesses if the necessary criteria are met.

The two initiatives request exemptions for lead in polyvinyl chloride (i.e., PVC) used as the base material in sensors used in in-vitro diagnostic medical devices. The other exemption is for mercury in melt pressure transducers for capillary rheometers under extreme conditions, which is used as monitoring and control instruments.

The feedback period for the draft act is not yet available. However, the EC adoption is planned for the fourth quarter of 2022 for lead and the first quarter of 2023 for mercury.

More information can be in these announcement from the European Commission on lead and mercury.

Initiative to update the list of hazardous chemicals under Prior Informed Consent Regulation EU No. 649/212 (draft)

In October 2022, the European Commission (EC) published an initiative to update the list of hazardous chemicals under the EU Prior Informed Consent (PIC) Regulation [Regulation (EU) No 649/2012]. The initiative proposes to update two lists of chemicals in the PIC Regulation: Annex I (chemicals subject to export notification) and Annex V (chemicals subject to an export ban).

The PIC Regulation regulates the import and export of certain hazardous chemicals and places obligations on companies that wish to export these chemicals to non-European Union countries. This is in line with the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

The main objectives of the amendment to the PIC Regulation are to prevent unwanted imports and ensure that safety information (e.g., hazards, risks, and safe handling) is provided when hazardous chemicals are exported.

The feedback period for the draft act is not yet available. However, the EC adoption is planned for the first quarter of 2023.

More information can be found here.

Calls for evidence on 4,4'-methylenebis[2-chloroaniline] (consultation)

The European Chemicals Agency (ECHA) opened a call for evidence on 4,4'-methylenebis[2-chloroaniline] (MOCA; CAS No. 101-14-4) on 5 October 2022. MOCA is used as a curing agent, cross-linker, and chain extender in polyurethanes for the manufacture of high-performance polyurethane products.

Following a preliminary assessment of available information, ECHA considers that there are uses of the substance in articles that have the potential to lead to human exposure. MOCA, considered a carcinogen, has no threshold below which exposure would be safe. Therefore, under Article 69(2) of the REACH regulation, ECHA's preliminary view is that there may be a need to prepare an Annex XV dossier for restriction.

Although the reported MOCA residual concentration is well below 0.1% (weight/weight) in the final articles produced in the European Union (EU) and the European Economic Area (EEA)[1], where adequate technical measures are in place, ECHA cannot confirm if those technical measures are in place outside the EU/EEA. To validate their conclusion, ECHA is seeking evidence, information, and comments from interested parties on MOCA. ECHA is also inviting parties to provide information to support their prospective investigation on MOCA. Comments were due on 16 November 2022.

More information can be found here.

Switzerland

Amendment to the Air Protection Ordinance to add emission limit values for carbon monoxide and nitrogen oxides (in force)

On 16 September 2022, the Swiss Federal Council amended the Air Protection Ordinance of 16 December 1985 by adding emission limit values for two gases. The Amendment applies the following emission limits until 31 March 2023 for combustion plants operating with "extra-light" oil as advised by the Federal Council:

- carbon monoxide (CAS No. 630-08-0): 170 milligrams per cubic meter (mg/m^3)
- nitrogen oxides (NOx), expressed as nitrogen dioxide (CAS No. 10102-44-0): 250 mg/m^3

There are no penalties associated with this update.

More information can be found here in French – also available in German and Italian.

[1] EEA includes the EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU 's single market.

  RETURN TO TABLE OF CONTENTS

NORTH AMERICA

Canada

Update to the Non-Domestic Substances List (published)

Canada published Order 2022-87-09-02 (the Order) on 8 October 2022 to update the Non-domestic Substances List (NDSL). The NDSL is an inventory of substances that are not on the domestic substances list (DSL) but are in commercial use internationally. Substances that are listed on the NDSL are subject to lesser information requirements compared to substances listed on the DSL.

According to the Order, the following substances have been deleted from Part 1 of the list:

- 1,2,4,5,7,8-hexoxonane, 3,6,9-triethyl-3,6,9-trimethyl- (CAS No. 24748-23-0)
- 2-propenoic acid, polymer with 2-methyl-2-[(1-oxo-2-propenyl)amino]-1-propanesulfonic acid and 2-propenamide, sodium salt (CAS No. 81901-62-4)
- siloxanes and silicones, di-Me, 3-(2-hydroxyethoxy)-1-[(2-hydroxyethoxy)methyl]-1-propen-1-yl Me (CAS No. 780769-22-4)
- 2(3H)-benzofuranone, 5,7-bis(1,1-dimethylethyl)-3-[3,5-dimethyl-4-[[2,4,8,10-tetrakis(1,1-dimethylethyl)-12-methyl-12H-dibenzo[d,g][1,3,2]dioxaphosphocin-6-yl]oxy]phenyl]- (CAS No. 1803088-15-4)

This Order comes into force on the day on which Order 2022-87-09-01 (not published yet) Amending the Domestic Substances List comes into force.

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

More information can be found in the Canada Gazette.

Amendment to the Volatile Organic Compound Concentration Limits for Architectural Coatings Regulations (consultation)

The Government of Canada is proposing to amend the Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations. These regulations apply to manufacturers and importers and establish concentration limits for VOCs in approximately 130 product categories and subcategories.

The amendment aims to harmonize with VOC requirements in the North American markets and further aid VOC reductions. This applies to manufacturers, importers, and sellers of architectural coatings, and to users of traffic marking coatings. Changes will affect VOC limits in architectural coatings and product classifications. Besides changes to existing limits, the proposal introduces limits for new groups of products.

  RETURN TO TABLE OF CONTENTS

The deadline for comments is 13 January 2023.

More information can be found here.

Adding dinoseb and thioperoxydicarbonic diamide to Schedule 1 of the Canadian Environmental Protection Act, 1999 (consultation)

On 1 October 2022, the Canadian government proposed adding dinoseb to Schedule 1 to the Canadian Environmental Protection Act (CEPA), 1999. The assessment concluded that dionseb meets the ecological criterion of being a toxic substance. Dinoseb is also referred to as phenol, 2-(1-methylpropyl)-4,6-dinitro- (CAS No. 88-85-7). It is used in Canada in the industrial process of producing styrene monomer, an industrial chemical and raw material used to make various plastics and synthetic rubbers, such as polystyrene.

The deadline for comments is 30 November 2022.

On 8 October 2022, the Canadian government opened a consultation to add thioperoxydicarbonic diamide (TMTD; CAS No. 137-26-8) to Schedule 1 of the Canadian Environmental Protection Act (CEPA), 1999. TMTD is primarily used as a process regulator for manufacturing rubber products, and in sealants and adhesives. The screening assessment concluded that TMTD meets the ecological criterion for a toxic substance. Therefore, adding TMTD to Schedule 1 to CEPA will enable the ministers to propose risk management instruments under CEPA to manage potential human health risks associated with the substance.

The consultation to add TMTD to Schedule 1 of CEPA is open until 7 December 2022.

Schedule 1 of CEPA lists toxic substances subject to full, partial, or conditional prohibition. 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 i) have or may have an immediate or long-term harmful effect on the environment or its biological diversity, ii) constitute or may constitute a danger to the environment on which life depends, or iii) constitute or may constitute a danger in Canada to human life or health.

More information can be found in the Canada Gazette for dinoseb and for TMDT.

United States

Significant new use rules on certain chemical substances (Batch 21-2.5e) (published)

On 29 September 2022, the US Environmental Protection Agency (EPA) issued significant new use rules (SNURs) for the SNUR Batch 21-2.5e under the Toxic Substances Control Act (TSCA). This will become effective from 28 November 2022. SNUR Batch 21-2.5e consists of 24 substances.

The manufacturers/processors/importers of these substances must notify the EPA through submitting a Significant New Use Notice at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

 RETURN TO TABLE OF CONTENTS

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 24 substances in Batch 21-2.5e can be found in the Federal Register.

Ratification of Kigali amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (announced)

On 21 September 2022, the United States of America (USA) Senate has voted to ratify the Kigali amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. By ratifying the Kigali Amendment, USA commits to an 85% reduction in its production/consumption of hydrofluorocarbons (HFCs) by 2036. HFCs are used as refrigerants, solvents, fire suppressants, foam blowing agents, aerosols, and propellants. There are currently 18 HFCs listed under the Kigali amendment.

USA is following the HFC phase-out schedule set under the American Innovation and Manufacturing (AIM) Act 2020, and Final Rule - Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the AIM Act. The HFC phase-out schedule is:

- 2023 – reduce to 90% or less of baseline production/consumption
- 2028 – reduce to 60% or less of baseline production/consumption
- 2033 – reduce to 30% or less of baseline production/consumption
- 2035 – reduce to 20% or less of baseline production/consumption
- 2036 – reduce to 15% or less of baseline production/consumption

More information can be found in in the media note from the U.S. Department of State and these frequently asked questions from the United Nations Environmental Program.

Changes to the Environmental Protection Agency's Risk Management Program related to facilities that store, manufacture, use, or handle certain quantities of hazardous chemicals (consultation)

The US Environmental Protection Agency (EPA) opened a consultation on 31 August 2022 to change its Risk Management Program (RMP) regulations that apply to facilities that store, manufacture, use, or handle certain quantities of hazardous chemicals. The consultation deadline was 31 October 2022. The proposed revisions include several changes and amplifications to the accident prevention program requirements, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification.

The proposed Safer Communities by Chemical Accident Prevention (SCCAP) rule aims to:

- improve safety
- assist in preparedness and response to accidents
- improve public awareness of chemical hazards at regulated facilities

The proposed SCCAP rule also contains additional provisions, such as:

- evaluating power loss as a hazard and evaluating safeguards including standby or emergency power systems
- requiring evaluation of safer technologies
- notifying the local community and emergency response agencies in the event of a hazardous material release

  RETURN TO TABLE OF CONTENTS

- providing access to certain hazard information to the local community
- performing root cause analysis after an incident
- including workers in safety planning

More information can be found in the Federal Register.

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