IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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September 2022
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NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
September 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

Notices for public comment on the exportation of ferrous and non-ferrous waste and scrap metal (draft)

South Africa published draft Notice 1202 of 2022 and draft Notice 1211 of 2022 on 5 August 2022 to ban the export of ferrous and non-ferrous waste and scrap metal in goods specified in the schedules. The consultation concluded on 26 August 2022. The notices specify a period of six months, from the date of publication of the notices, to prohibit the export of ferrous and non-ferrous waste and scrap metal. Exclusions were made for:

- ferrous and non-ferrous waste and scrap metal for which export permits were issued by the International Trade Administration Commission of South Africa (ITAC) prior to the publication of the notices may be exported
- issued export permit for ferrous and non-ferrous waste and scrap metal by ITAC in respect to export applications made before the date of publication of the notices

Additionally, the minister will suspend the Price Preference System's operation to export ferrous and non-ferrous waste and scrap metal (the "PPS") for six months starting on the notice's publication date. The minister will not accept or process applications for export permits for the exportation of waste and/or scrap metal for the same period.

ASIA

China

Public solicitation of comments on the List of Key New Pollutants for Control (consultation)

China's Ministry of Ecology and Environment (MEE) opened a public consultation on its draft list of new pollutants for priority management on 27 September 2022. New pollutants are toxic chemicals with severe environmental or health concerns. The list has been proposed under China's Action Plan for the Treatment of New Pollutants, which aims to manage substances that cannot be controlled through existing measures. Thus, the draft sets out restrictions or bans on the production, use, import, and export of new pollutants. Of the 28 types of new pollutants in the 2021 draft, 23 have been recategorized into 14 types. Dioxins, formaldehyde, ethanal, tetrachloroethylene, and trichloroethylene have been removed from the 2021 draft. The official list of new pollutants is expected to be made public by the end of 2022.

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The list of new pollutants includes:

- persistent organic pollutants (under the Stockholm Convention):
  - perfluorooctane sulfonic acid (PFOS; CAS No. 1763-23-1) and its salts
  - perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and related compounds
  - decabromodiphenyl oxide (CAS No. 1163-19-5)
  - short-chain chlorinated paraffins
  - hexachlorobutadiene (CAS No. 87-68-3)
  - pentachlorophenol (CAS No. 87-86-5) and its salts and esters
  - dicofol (CAS No. 115-32-2)
  - perfluorohexanesulfonic acid (PFHxS; CAS No. 355-46-4) and related compounds
  - dechlorane plus (CAS No. 13560-89-9)
  - other POPs already phased out, such as hexabromocyclododecane (CAS No. 25637-99-4) and chlordane (CAS No. 12789-03-6)
- toxic and harmful pollutants:
  - dichloromethane (CAS No. 75-09-2)
  - trichloromethane (CAS No. 67-66-3)
- environmental endocrine disruptor:
  - nonylphenol (CAS No. 25154-52-3)

All organizations, enterprises, institutions, and individuals can provide comments on the draft to the MEE by 28 October 2022.

More information can be found in Chinese in this announcement from MEE.

Chemical substances to be added a second batch to the Inventory of Existing Chemical Substances in China (consultation)

On 31 August 2022, the Chinese Ministry of Ecology and Environment (MEE) published a notice of the second batch of 2022 (the eighth batch in total) to add six chemical substances to the Inventory of Existing Chemical Substances in China (IECSC). The IECSC is a chemical inventory of existing chemical substances that have been produced or imported within the territory of China before 15 October 2003. All chemicals listed in the inventory can be imported into China without new chemical notification or registration obligations to the MEE. Comments were due to MEE on 14 September 2022.

The substances proposed to be added to the IECSC are:

- 4-(tert-butyl)benzyl mercaptan (CAS No. 49543-63-7)
- 4-chloro-3,5-dinitrobenzotrifluoride (CAS No. 393-75-9)
- lithium manganese oxide (CAS No. 12057-17-9)
- 2-thiopheneethanol (CAS No. 5402-55-1)
- 2-thiopheneethylamine (CAS No. 30433-91-1)
- 2-((4-aminopentyl)(ethyl)amino)ethanol (CAS No. 69559-11-1)

More information can be found in Chinese in this announcement from MEE.

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India

New Battery Waste Management rules (in force)

On 26 August 2022, India's Ministry of Environment, Forestry, and Climate Change published new rules on battery waste management. These laws impact all battery producers, dealers, consumers, and entities involved in waste collection, segregation, transportation, reuse, and recycling. The Battery Waste Management rule was enacted on 26 August 2022.

The new rules introduce "Extended Producer Responsibility," which requires producers to meet their recycling or refurbishing obligations. The rules also prescribe prohibitions regarding heavy metal content in batteries and labelling requirements. In addition, starting in 2024, the mandatory waste battery collection target will be 70%, of which 100% must be refurbished or recycled. Collection of 100% waste battery and 100% of refurbishment or recycling will be mandatory by the end of the ten-year compliance cycle (end of the 10th year) against the battery placed in the market during the ten-year compliance cycle. Some variations apply depending on the type of batteries.

The following batteries are excluded from the scope of the rules:

- batteries in equipment such as war materials and others specifically for military use
- batteries in equipment designed to be sent into space

Fines are prescribed for the following activities based on the polluter pays principle:

- entities carrying out activities without registration as mandated under these rules
- providing false information/willful concealment of material facts by the entities registered under these rules
- submission of forged/manipulated documents by the entities registered under these rules
- entities engaged in the collection, segregation, and treatment not following sound handling of the Battery Waste Management rules

There is no grace period specified for this regulation. Penalties include imprisonment of up to five years and/or a fine of up to one lakh rupees. If the failure or contravention continues, an additional fine may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or violation.

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

Update to the hydrogen peroxide Quality Control Order (published)

On 24th August 2022, the Bureau of Indian Standards (BIS) published a notice to update the hydrogen peroxide Quality Control Order (QCO) to conform with the Indian standard IS 2080: 2021. This order will come into force on 23 November 2023. Hydrogen peroxide is used as a component of rocket fuels, as an oxidizer for the operation of turbo pumps in the aerospace and defense industry, and for producing foam rubber and organic chemicals.

QCOs apply to products/articles (objects whose function is determined by its shape, surface, or design to a greater degree than its 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. The requirements may be included from Indian Standards covered by the QCO - handling, packaging, and marking requirements; and sampling methods and tests for substances contained in products/articles.

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Companies manufacturing or importing hydrogen peroxide will require BIS certification to prove conformity and must display the BIS mark on all packaging. After the date of commencement of the QCO, no person shall manufacture, import, distribute, sell, hire, lease, store or exhibit for sale any products/articles covered under the QCO without a BIS mark except under a valid license or Certificate of Conformity from BIS.

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

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

Japan

Schedule for notification of new chemical substances manufactured or imported below one tonne per year (published)

On 9 September 2022, the Ministry of Economy, Trade, and Industry (METI), the Ministry of Environment (MoE), and the Ministry of Health, Labor, and Welfare (MHLW) published the 2023 schedule for companies to notify new chemical substances manufactured or imported below one tonne a year, under the Chemical Substances Control Law (CSCL). Applications must be submitted and approved before manufacture or import can take place.

Under the CSCL, substances are divided into existing and new chemical categories. New chemicals must be notified and evaluated by METI, MHLW, and MoE at least three months prior to manufacture or import. Companies planning to notify new chemicals must submit the following information electronically to the National Institute of Technology and Evaluation:

- company name and address
- the name of the responsible agent or notifier
- substance information such as the name of substance or compound, chemical structure and formula, uses, the expected volume of production or import for the next three years, and relevant test results

The schedule for 2024 is expected to be published in September 2023.

Penalties for non-compliance include fines of up to one million yen and/or imprisonment of up to three years.

The scheduled can be found here in English and in Japanese.

Request to collect hazard information on three substances (notice)

On 15 September 2022, the Ministry of Health, Labor, and Welfare (MHLW), the Ministry of Economy, Trade, and Industry (METI), and the Ministry of Environment (MoE) jointly published a notice to collect hazard information on three substances listed under the Chemical Substances Control Law (CSCL). Substances listed under the CSCL are divided into existing and new chemical categories. New chemicals must be notified and evaluated by METI, MHLW, and MOE at least three months prior to manufacture or import.

The three substances are:

- tricyclo[5.2.1.0(2.6)]dec-3-en-8-yl acetate (CAS No. 5413-60-5)

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- N, N-dipolyoxyalkylenefatty (C＝2, 3)-N-Alkyl (C8-18 linear amine (limited to those with an average molecular weight below 1,000) (CAS Nos. 75601-76-2 and 308081-45-0)
- α-(3-methyl-3-buten-1-yl)-ω-hydroxypoly(oxy-1,2-ethanediyl) (limited to those with average molecular weight below 1,000) (CAS No. 110412-77-6)

For the screening assessment of new chemical substances, hazard information is collected from certain sources to confirm its reliability and assign hazard classes. An existing chemical substance that lacks data for screening assessment may be classified as a 'default candidate substance' and assigned a default hazard class (health hazards: Class 2, environmental hazards: Class 1). The 'default candidate substances' will be designated as priority assessment chemical substances with the default hazard class for risk assessment.

The deadline for providing hazard information or submitting a request to conduct a study is 30 November 2022.

More information can be found in Japanese here.

Import quotas for hydrofluorocarbons (consultation)

On 26 August 2022, the Ministry of Economy, Trade and Industry (METI) opened a consultation period to gather feedback on the draft document explaining how to obtain import quotas for hydrofluorocarbons (HFCs) listed in Annex F of the Montreal Protocol. The draft states that importing quotas will be implemented for each calendar year (January to December). The import quota limit is defined as the consumption (manufacturing quantity, and export/import quantity) of HFCs in each calendar year. Comments were due to METI on 26 September 2022.

Only entities who received a letter of intent will be qualified to apply for import quotas. The deadline for each year's application is set to be 20 December of the previous year, from the moment of receipt of a letter of intent.

More information can be found in Japanese here.

Partial amendments regarding export approval of chemical substances (consultation)

On 19 August 2022, Japan opened a consultation on the draft amendment regarding export approval of chemical substances. The amendment implements the latest update of the Rotterdam Convention held in Geneva in June 2022. Comments were due on 17 September 2022. One substance and one group of chemicals were added to Annex III (list of chemicals subject to the Prior Informed Consent [PIC]):

- decabromodiphenyl ether (CAS No. 1163-19-5)
- substances related to perfluorooctanoic acid (PFOA)

The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing parties (countries or regions that have ratified, accepted, approved, or acceded to the Rotterdam Convention) as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention, and for ensuring compliance with these decisions by exporting parties.

More information can be found in Japanese here.

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Russia

Update to the list of main types of strategic mineral raw materials (approved)

On 30 August 2022, the Government of the Russian Federation updated the list of the main types of strategic mineral raw materials. The update adds rare earth metals, phosphates, and helium, among other substances, to the list. This invalidates the basic list of strategic mineral raw materials that was approved in 1996, under Decree No. 50-r of 16 January 1996.

Rare earth metals are used in technological devices, such as electronic displays, light-emitting diode (LED) lights, clean energy, and defense technologies. For example, praseodymium is used to create metals for aircraft engines and neodymium is used to create magnets for electronic and defense applications.

The updated list includes:

- helium
- phosphates
- zinc
- rare metals and rare earth metals
- potassium salts
- groundwater
- graphite
- fluorspar

Inclusion on the list means that priority funding could be obtained for the reproduction of a scarce listed substance. The Ministry of Natural Resources must provide priority funding, from the federal budget, for the reproduction of the mineral resource base of scarce strategic mineral raw materials. A proposal to update the list shall be published at least once every three years.

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

More information on the draft resolution can be found here in Russian.

Saudi Arabia

Amendment to the Technical Regulation for Limiting Hazardous Substances in Electrical and Electronic Appliances and Equipment (effective)

On 29 July 2022, Saudi Arabia approved an amendment to the Technical Regulations for Limiting Hazardous Substances in Electrical and Electronic Appliances and Equipment. These technical regulations aim to determine the proportions of hazardous substances shown in Annex (1-b) in electrical and electronic devices, equipment, and their spare parts, which are included in the scope of this regulation. The technical regulations determine conformity assessment procedures that suppliers must abide by to ensure the preservation of the environment and the health and safety of the consumer.

The amendment states that a supplier's declaration of conformity is required if manufacturers or their representatives supply a product within this regulation scope to the Saudi Arabia market. Furthermore, the amendment adds a new Annex 1-b, which lists equipment exempted from applying the limits of hazardous substances for monitoring and control devices.

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As a result, Annex 1-b (maximum permissible concentrations by weight of homogeneous substances for hazardous substances in electrical and electronic equipment and appliances) will become Annex 1-c.

Penalties for non-compliance are provided in Article 9 of the technical regulation and include:

- taking all necessary measures to remove the non-compliant product and its effects from the market
- cancelling any relevant certificates of conformity for the non-compliant product
- issuing penalties such as fines and/or imprisonment according to the Anti-Commercial Fraud Law

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

South Korea

Amendments to the hazard assessment results of new chemical substances registered under K-REACH (effective)

On 23 August 2022, South Korea's National Institute of Environmental Research (NIER) adopted amendments to the hazard assessment results of new chemical substances registered under K-REACH. The results came into effect immediately. The chemicals were examined for their hazard properties in accordance with Article 21 of K-REACH and Article 28 of the enforcement regulations for K-REACH. The examination concerned the name of the substance, its hazard properties, and toxicity.

The amendments include the following updates:

- addition of 51 substances (given No. 2022-172 to 2022-223) as new chemical substances with the corresponding hazard examination results - none of these substances are toxic
- updates to the hazard properties, classification, and labelling information of 32 new chemical substances previously examined and registered under K-REACH
- updated chemical names for 5 new chemical substances (given No.2019-144, 2019-178, 2019-179, 2020-203, 2022-21)

Under 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.

Information can be found in English in this table on hazard assessment results. Additional information in Chinese can be found in this notice from the National Academy of Environmental Sciences.

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Taiwan

Fifteen substances proposed as "chemical substances of concern" (consultation)

On 8 September 2022, the Taiwan Environmental Protection Agency (EPA) published a draft amendment that lists 15 substances that have been proposed as "chemical substances of concern". The consultation for the draft amendment ended on 22 September 2022. "Substances of concern" are substances that may not be directly toxic but may carry health and safety risks. Adding substances to the chemical substances of concern list means immediate prohibition of the sale of these 15 substances on platforms where the parties to the transaction cannot be identified. The operator should obtain the approval document within one year from the announcement date and complete the labelling before beginning operations. Existing operators will be given one year period for improvement to meet the requirements.

The 15 listed substances are categorized into 3 groups:

- the first and second groups include 7 chemicals as chemical substances of livelihood concern as chemical substances of food safety concerns, respectively
- the third group includes 8 chemicals proposed to be listed as explosives precursors chemicals:
  - calcium nitrate (CAS No. 10124-37-5)
  - sodium nitrate (CAS No. 7631-99-4)
  - calcium ammonium nitrate (CAS No. 15245-12-2)
  - nitromethane (CAS No. 75-52-5)
  - sodium azide (CAS No. 26628-22-8)
  - ammonium perchlorate (CAS No. 7790-98-9)
  - sodium perchlorate (CAS No. 7601-89-0)
  - aluminum phosphide (CAS No. 20859-73-8)

Additionally, transitional measures, such as pre-approval before manufacture, import, sale, use or storage, handling quantity recording and reporting, accident prevention and emergency response, labelling, and safety data sheets requirements, have been proposed for these chemical substances.

Additional information can be found here in Chinese

Turkey

Two regulations on the restriction of the use of hazardous substances in electrical and electronic equipment and waste electrical and electronic management (draft amendment)

The Turkish Ministry of Environment, Urbanization, and Climate Change opened a consultation on 7 July 2022 on two draft regulations on the restriction of the use of hazardous substances (RoHS) in electrical and electronic equipment (EEE), and waste electrical and electronic (WEEE) management. These regulations will repeal and replace the 2012 Regulation on Control of WEEE. The consultation ended on 29 July 2022.

Draft RoHS:

The regulation contains provisions for the restriction of hazardous substances in EEE and recycling and disposal of WEEE. This draft regulation consolidates the requirements for manufacturers to complete the European Union Declaration of

Conformity in Annex 5 and to place the "CE" mark on the final EEE from the "CE" Mark Regulation published in 2021. It also adds four substances to the list of restricted substances in Annex 2. These restrictions will be effective from 1 January 2024, and do not apply to EEE placed on the market prior to that date. The four substances are:

- bis (2-ethylhexyl) phthalate (CAS No. 117-81-7) - 0.1%
- benzyl butyl phthalate (CAS No. 85-68-7) - 0.1%
- dibutyl phthalate (CAS No. 84-74-2) - 0.1%
- diisobutyl phthalate (CAS No. 84-69-5) – 0.1%

Annex 3 of the draft regulation contains a list of exemptions to the restrictions along with the expiration dates associated with each EEE category.

Draft WEEE Management:

This draft regulation contains provisions for preventing WEEE according to the circular economy principles to:

- reduce waste and improve recycling, reusing, and recovery methods
- manage WEEE in a manner that does not harm the environment or human health
- determine a framework to implement extended producer responsibilities for EEE manufacturers

The regulation contains the requirements WEEE processing facilities must meet to operate in Turkey along with targets for WEEE collection and recycling up to 2030.

Additional information can be found in Turkish here.

Vietnam

Amendment to restrictions on hazardous substances in electrical and electronic components (consultation)

The Vietnamese Ministry of Industry and Trade (MoIT) opened a consultation to amend Vietnam's restrictions on hazardous substances (RoHS) in electrical and electronic equipment (EEE). Comments were due on 17 October 2022. The Draft Regulation proposes to align with the European Union's RoHS Regulation by adding the following four phthalates to the list of restricted substances in EEE:

- bis (2-ethylhexyl) phthalate (CAS No. 117-81-7) - 0.1%
- benzyl butyl phthalate (CAS No. 85-68-7) - 0.1%
- dibutyl phthalate (CAS No. 84-74-2) - 0.1%
- diisobutyl phthalate (CAS No. 84-69-5) – 0.1%

The Draft Regulation also states that companies will have to obtain a certificate of conformity (CoC) from a registered testing organization before placing certain EEE on the market. The CoC will be valid for 3 years.

Following the finalization/approval, the Regulation will enter into force on 1 January 2026 and replace the existing RoHS Regulation, Circular 30/2011/TT-BCT.

Additional information can be found in Vietnamese here.

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National Technical Regulation on thresholds of Persistent Organic Pollutants in articles, products, commodities, and equipment (consultation)

On 15 September 2022, the Ministry of Natural Resources and Environment in Vietnam published a draft National Technical Regulation for the allowed maximum limit (threshold) of Persistent Organic Pollutants (POPs) in articles, products, commodities, and equipment, and specific parts of articles, products, commodities, and equipment containing POPs. The Ministry opened a public consultation for 60 days from the publication date. The deadline for comments is 14 November 2022.

This draft regulation applies to agencies, organizations, and individuals engaged in importing, manufacturing, trading, using, and conducting conformity assessment activities related to the contents mentioned above in the territory of Vietnam. The draft regulation obligates operators to conduct conformity assessments according to the provisions of the regulation, and label and announce information on raw materials, materials, products, goods, and equipment containing POPs before being placed on the market in accordance with the law.

The draft regulation introduces:

- a list of the maximum allowable limit of POPs in raw materials, materials, products, goods, and equipment
- monitoring methods to determine POPs in raw materials, materials, products, goods, and equipment comply with environmental monitoring technical regulations

The regulation will be applied six months from the date of issuance.

Additional information can be found in Vietnamese here.

EUROPE

European Union

Extending temporary storage of liquid mercury waste (adopted)

On 23 September 2022, the European Commission adopted a regulation that extends the temporary storage period of liquid mercury waste until 31 December 2025. Previously, under Article 13 (1) of the Mercury Regulation (Regulation (EU) 2017/852), liquid mercury waste could be temporarily stored in dedicated landfills, pending treatment for final disposal, until 31 December 2022. This was an exemption to the Landfill Directive (Article 5(3) of Directive 1999/31/EC) and shall no longer apply from 1 January 2026. Earlier this year (19 July 2022 - 16 August 2022), a consultation was held to extend the temporary storage period by three years, as the European Union (EU) still holds significant stocks of liquid mercury waste awaiting proper treatment.

The extended storage period has been adopted and aims to ensure the sound management of remaining stocks of liquid mercury waste in the EU. For the final disposal of mercury waste, Article 13(3) of the Mercury Regulation provides that

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mercury must first be converted into mercury sulphide and, if intended to be disposed of in an above-ground facility, solidified.

Penalties for non-compliance shall be laid down by the Member States.

More information can be found here.

Harmonized classification and labelling adopted for four substances (adopted)

On 30 August 2022, the Committee for Risk Assessment (RAC) adopted opinions on the proposed harmonized classification and labelling of four substances. The RAC examines proposals for harmonized classification and labelling and gives its opinion on the harmonized classification of substances. Once adopted, the RAC opinion (for each substance) is sent to the European Commission, and they decide whether substances will be included in Annex VI to the Classification, Labelling and Packaging (CLP) Regulation. Inclusion in Annex VI to CLP means that all manufacturers, importers and downstream users of substances and their mixtures must comply with the harmonized classifications.

RAC opinions have been adopted for the following four substances:

- tetrasodium 4-amino-5-hydroxy-3,6-bis[[4-[[2-(sulphonatooxy)ethyl]sulphonyl]phenyl]azo]naphthalene-2,7-disulphonate (CAS No. 17095-24-8; EC No. 241-164-5) – used in inks, toners, textile treatment products, and dyes
- formic acid (CAS No. 64-18-6; EC No. 200-579-1) – used in polymers, textile or leather treatment products, textile dyes, and coatings
- formaldehyde (CAS No. 50-00-0; EC No. 200-001-8) – used in adhesives, sealants, coating products, and polymers
- 7-oxabicyclo[4.1.0]hept-3-ylmethyl 7-oxabicyclo[4.1.0]heptane-3-carboxylate (CAS No. 2386-87-0; EC No. 219-207-4) – used in coating products, adhesives, sealants, and polymers

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

More information can be found here.

Updated rules on classification, labelling and packaging (consultation)

On 20 September 2022, the European Commission opened a consultation on a draft amendment to the Classification, Labelling and Packaging Regulation. The amendment would introduce new hazard classes for:

- endocrine disruptors for human health and the environment
- persistent, bio-accumulative, and toxic substances and mixtures
- very persistent and very bio-accumulative substances and mixtures
- persistent, mobile, and toxic substances and mixtures
- very persistent and very mobile substances and mixtures

In the case of endocrine disruptors, the proposed new hazard categories are “Category 1 - Known or presumed endocrine disruptors” and “Category 2 - Suspected endocrine disruptors”, and the classification evidence must come from human and/or animal data. All labelling elements (pictograms, signal words, statements, etc.) for the new hazard classes are included in the Annexes.

More information can be found here.

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Restrictions on medium-chain chlorinated paraffins and other chloroalkanes with carbon chain lengths within the range from C14 to C17 (consultation)

The European Chemicals Agency opened a consultation on 21 September 2022 for restricting medium-chain chlorinated paraffins and other substances that contain chloroalkanes with carbon chain lengths within the range from C14 to C17. The proposed restriction includes the manufacture, use, and placing of substances, mixtures, and articles on the market. It also includes other chemicals with the same properties that contain chloroalkanes with carbon chain lengths ranging from C14 to C17. The substances are used as plasticizers, flame retardants, or lubricants in the formulation of various mixtures and articles.

The first deadline for the consultation was 21 October 2022, and the final deadline is 22 March 2023.

More information can be found here.

Harmonized classification and labelling of two substances (consultation)

On 19 September 2022, the European Chemicals Agency opened a consultation period for two substances with regard to their hazard classes. These substances are:

- barium bis[2-chloro-5-[(2-hydroxy-1-naphthyl)azo]toluene-4-sulphonate]; C.I. Pigment Red 53:1 (CAS No. 5160-02-1) – used as heat-resistant coloring agent for inks, paints, coatings, and remover products
- fluoroethylene (CAS No. 75-02-5) – used in the production of polyvinylfluoride and other fluoropolymers

Interested parties are invited to comment on the substances and may request clarifications on the text of the harmonized classification and labelling (CLH) report before 18 November 2022.

More information can be found here on fluoroethylene and barium (etc.).

Proposal to prohibit placing on the market of certain microplastics (draft)

On 5 September 2022, the European Commission published a draft proposal to prohibit the placing on the market of microplastics intentionally added to products in concentration above 0.01% by weight. Microplastics can be used in paints and other products in the oil and gas industry.

For derogated uses, the draft regulation requires that microplastic releases are minimized through appropriate instructions for use and disposal of products and are monitored and reported annually to the European Chemicals Agency.

The proposal excludes biodegradable, water-soluble, inorganic, and natural polymers from the scope of the restriction. The draft proposal provides for some derogations from the ban on the placing on the market of microplastic such as uses at industrial sites or when microplastics releases could be avoided. The proposal shall enter into force 20 days from publication in the Official Journal of the European Union. The restriction on the placing on the market (sale ban) of products containing microbeads and products containing microplastic will be effective on the in-force date with no transitional period. However, for other products containing microplastics, the application of the sale ban would be deferred between 4 and 12 years, depending on the product concerned (e.g., five years for waxes and polishes).

More information can be found here.

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Amending Annex XVII to Regulation (EC) No 1907/2006 regarding nine substances of very high concern identification (consultation)

On 2 September 2022, the European Chemicals Agency (ECHA) opened a consultation on nine substances of very high concern (SVHCs). 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 in the future. Inclusion on this list will mean that the use of the substances will be prohibited unless a company receives authorization to continue its use from the European Commission.

The consultation is open on the following substances:

- 1,1'-[ethane-1,2-diylbisoxy]bis[2,4,6-tribromobenzene] (CAS No. 37853-59-1)
- 2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol (CAS No.79-94-7)
- 4,4'-sulphonyldiphenol (CAS No. 80-09-1)
- barium diboron tetraoxide (CAS No.13701-59-2)
- bis(2-ethylhexyl) tetrabromophthalate covering any of the individual isomers and/or combinations thereof (CAS No. not available)
- isobutyl 4-hydroxybenzoate (CAS No. 4247-02-3)
- melamine (CAS No. 108-78-1)
- perfluoroheptanoic acid (CAS No. 376-85-9) and its salts
- reaction mass of 2,2,3,3,5,5,6,6-octafluoro-4-(1,1,1,2,3,3,3-heptafluoropropan-2-yl) morpholine and 2,2,3,3,5,5,6,6-octafluoro-4-(heptafluoropropyl)morpholine (CAS No. not available)

With the substance being listed on the Candidate List, there are certain obligations including:

- article suppliers must notify SVHCs to ECHA's "Substances of Concern In articles as such or in complex objects (Products)" (SCIP) database under the Waste Framework Directive
- any supplier of articles containing a Candidate List substance above a concentration of 0.1 % (weight by weight) has to give sufficient information to their customers and consumers to allow safe use
- suppliers of these substances have to provide their customers with a safety data sheet

ECHA is requesting comments (were due on 17 October 2022) on:

- the identity of the substance (i.e., on the substance name/EC number/CAS number/molecular structure etc.)
- persistent, bio-accumulative, and toxic or very persistent and very bio-accumulative properties, and on properties giving rise to an equivalent level of concern
- information related to uses, volumes per use, exposure, alternatives, and risks of the substance

More information can be found here.

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NORTH AMERICA

Canada

Amendments to the domestic substances and non-domestic substances lists (in force)

In August 2022, the Canadian Ministry of the Environment amended the domestic and non-domestic substance lists under the Canadian Environmental Protection Act (CEPA) 1999. The Domestic Substances List (DSL) provides an inventory of substances in the Canadian marketplace. The DSL is amended multiple times annually to add, update, or delete substances. The DSL includes eight parts defined in the "Gazette Part II" document. The Minister of the Environment has introduced Order 2022-87-08-01 that amends the DSL as follows:

- six new entries have been added to Part 1 of the list (83653-00-3 N-P, 120313-48-6 N-P, 174254-17-2 N-P, 174254-24-1 N-P, 1650591-28-8 N-P and 1883583-80-9 N)
- five new entries have been added to Part 3 (19605-3 N, 19606-4 N-P, 19607-5 N-P, 19608-6 N-P and 19609-7 N)

The non-domestic substances list (NDSL) is an inventory of substances that are not on the domestic substances list but are in commercial use internationally. Substances that are not on the domestic substances list (DSL) but are listed on the NDSL are subject to lesser information requirements. Order 2022-87-07-02 amends the NDSL by deleting entry 1860-26-0 in Part 1 of the list.

Penalties for non-compliance under CEPA 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 Order 2022-87-08-01 and Order 2022-87-07-02.

United States

Modification of significant new uses of certain chemical substances (21-1.M) (consultation)

On 15 September 2022, the US Environmental Protection Agency (EPA) opened a public consultation (comments were due on 17 October 2022) to amend the significant new use rules under the Toxic Substances Control Act for the following chemical substances:

- 2-propen-1-one, 1-(4-morpholinyl)- (CAS No. 5117-12-4)
- oxirane, 2,2'-[1,6-naphthalenediylbis(oxymethylene)]bis- (CAS No. 27610-48-6)
- 1,3-propanediamine, N,N'-1,2-ethanediylbis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine (CAS No. 136504-96-6)
- siloxanes and silicones, aminoalkyl, fluorooctyl, hydroxy-terminated salt (generic) (CAS No. not available)
- fatty acids, C14-18 and C16-18-unsatd., polymers with adipic acid and triethanolamine, di-Me sulfate-quaternized (CAS No. 1211825-32-9)
- 1,2,4-benzenetricarboxylic acid, mixed decyl, and octyl triesters (CAS No. 90218-76-1)

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- 12-hydroxystearic acid, reaction products with alkylene diamine and alkanoic acid (generic) (CAS No. not available)
- 1,2,4-benzenetricarboxylic acid, 1,2,4-trinonyl ester (CAS No. 35415-27-1)

The manufacturers/processors/importers of these substances must notify the EPA by 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.

More information can be found in the Federal Register

Designation of perfluorooctanoic acid and perfluorooctanesulfonic acid (PFOS) as hazardous substances (consultation)

The US Environmental Protection Agency (EPA) published a proposed rule on 6 September 2022 to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA, commonly known as Superfund, was enacted by Congress on 11 December 1980. This law created a tax on the chemical and petroleum industries and provides the ability to respond directly to releases or threatened releases of hazardous substances that may endanger human health or the environment.

CERCLA is a law that:

- establishes prohibitions and requirements concerning closed and abandoned hazardous waste sites
- provides for liability of persons responsible for releases of hazardous waste at these sites
- establishes a trust fund to provide cleanup when no responsible party can be identified

It provides two kinds of responses: the first is short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and the second is long-term remedial response actions to permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious but not immediately life-threatening.

CERCLA defines "hazardous substance" by reference to the following authorities:

- Clean Water Act (CWA) Section 311 (“CWA Hazardous Substances”)
- CWA section 307(a) (“CWA Toxic Pollutants”)
- Clean Air Act (CAA) Section 112 (“CAA Hazardous Air Pollutants (HAPs)”)
- Resource Conservation and Recovery Act (RCRA) Section 3001 (“RCRA Hazardous Wastes”)
- Toxic Substance Control Act Section 7 (currently, no substances are designated under this authority)

Interested parties can follow the instructions to submit their comments before 7 November 2022.

More information can be found in the Federal Register.

Risk determination for carbon tetrachloride (consultation)

The US Environmental Protection Agency (EPA) published draft revisions for the Toxic Substances Control Act (TSCA) risk determination for carbon tetrachloride (CAS No. 56-23-5). Carbon tetrachloride is used as solvent in the rubber and paint

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industry. The draft revisions find that carbon tetrachloride 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. Comments were due to EPA by 28 September 2022.

More information can be found in the Federal Register.

OCEANIA

Australia

Addition of six substances to the Australian Inventory of Industrial Chemicals (published)

The Australian Government's Department of Health published a Notice on 21 September 2022 that adds six substances to the Australia Inventory of Industrial Chemicals (AIIC). The Notice adds the substances in accordance with Section 82 of the Industrial Chemical (IC) Act 2019, which states that the Executive Director must list an industrial chemical on the AIIC if five years have passed since the assessment certificate was issued. These substances are:

- castor oil, polymer with glycerol, Me methacrylate, pentaerythritol, phthalic anhydride, and styrene (CAS No. 69012-03-9)
- sulfuric acid, dimethyl ester, reaction products with polyethylene-polypropylene glycol (CAS No. 1221495-27-7)
- glycine, N-(1-oxododecyl)-, sodium salt (1:1) (CAS No. 18777-32-7)
- 2-propenoic acid, 2-methyl-, polymer with butyl 2-methyl-2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate (CAS No. 148360-81-0)
- cellulose, nitrate, polymer with butyl 2-propenoate, 1,1-dimethylethyl 2-methyl-2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate, tert-Bu 2-ethylhexaneperoxoate-initiated (CAS No. 1613467-74-5)
- poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, ether with 4,4,5,5,6,6,7,7,8,8,9,9,9-tridecafluoro-1,2-nonanediol (CAS No. 1132688-18-6)

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

Penalties for non-compliance include fines.

More information can be found here.

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Variation of Inventory listing following evaluation for 1-Propene, 2,3,3,3-tetrafluoro (announced)

On 1 August 2022, the Australian Government published a Variation of Inventory listing following evaluation for the chemical 2,3,3,3-tetrafluoropropene (CAS No. 754-12-1). This was following a completed evaluation of the chemical under Section 86 of the Industrial Chemicals Act (IC Act) 2019. Section 86 of the act requires the Executive director to publish a notice on the AICIS website 20 days before the date the listing is to be varied. In Australia, this chemical is used as a refrigerant for motor vehicle air conditioning (MVAC) systems.

The IC Act 2019 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.

As part of the evaluation, the Executive Director concluded that a variation to the listing was necessary to manage the risks to human health and the environment from the introduction or use of the industrial chemical. Therefore, chemical introducers must provide certain information to the Executive Director within 20 days of the listing date (29 August 2022) under Section 75 of the IC Act 2019, including:

- whether the function or use of the chemical has changed or is likely to change significantly from a component of refrigerant for MVAC and stationary air conditioning and refrigeration systems
- if the container of the notified chemical for use in professional servicing MVAC systems is greater than 23 liters
- if the amount of the chemical being introduced has increased, or is likely to increase, significantly (≥ 150 tonnes annually)
- whether the chemical has started to be manufactured in Australia

The deadline to submit the information above was 18 September 2022. Penalties for non-compliance include fines.

More information can be found here.

Substance name correction in Australian Inventory of Industrial Chemicals (amendment)

On 1 August 2022, the Australian government amended the names for the following substances in the Australian Inventory of Industrial Chemicals:

- CAS No. 162567-80-8: changed from “siloxanes and silicones, dimethyl, .alpha.,.omega.-hydroxyalkyl, reaction products with 2-oxepanone and acetic acid, anhydride” to “siloxanes and silicones, di-Me, 3-hydroxypropyl group-terminated, reaction products with 2-oxepanone, acetates”
- CAS No. 162567-82-0: changed from “siloxanes and silicones, dimethyl, .alpha.,.omega.-hydroxyalkyl, reaction products with 2-oxepanone” to “siloxanes and silicones, di-Me, 3-hydroxypropyl group-terminated, reaction products with 2-oxepanone”

No penalties have been established in this amendment.

More information can be found here.

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Cancellation of assessment for decabromodiphenylethane (amendment)

On 25 August 2022, the Australian government cancelled the assessment for benzene, 1,1'-(1,2-ethanediyl)bis[2,3,4,5,6-pentabromo- (also known as decabromodiphenylethane or DBDPE; CAS No. 84852-53-9) under the Industrial Chemicals Act 2019. Therefore, the Executive Director has decided to cancel the assessment certificate (CERT9258) for the chemical under section 52 of the Act. CERT9258 allows stakeholders to introduce the assessed chemicals into Australia. DBDPE is used as a flame retardant in electrical and automotive applications.

Following the cancellation of the assessment certificate, the introduction or use of DBDPE in Australia is now restricted due to the government deciding the risks associated with the substance were not manageable. This will obligate stakeholders to notify Australia's designated national authority for the Rotterdam Convention on the Prior Informed Consent Procedure for DBDPE.

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

More information can be found in this announcement on DBDPE regulator action and in this DBDPE assessment statement.

Call for information on four persistent organic pollutants (amendment)

On 19 August 2022, the Australian Government opened a call for information to gather up-to-date information on four persistent organic pollutants under the new Industrial Chemicals Environmental Management Standard (IChEMS). The call for information ended on 19 September 2022.

The IChEMS is a national approach for managing chemical introduction, use, and disposal. It aims to reduce the environmental impact of industrial chemicals. The IChEMS scheduling of chemicals will provide information on their level of concern and the controls that should be applied to protect the environment. Chemicals will be listed in one of seven schedules according to their environmental risk. This instrument determines principles the Minister must comply with in making, varying, or revoking scheduling decisions for relevant industrial chemicals.

Globally recognized industrial chemicals of concern, such as those listed in international conventions, are of high priority to IChEMS. Information is required on the following chemicals listed in the Stockholm Convention on Persistent Organic Pollutants:

- Pentachlorobenzene (CAS No. 608-93-5)
- hexabromobiphenyl (CAS No. 36355-01-8)
- hexachlorobutadiene (CAS No. 87-68-3)
- polychlorinated naphthalenes (CAS No. not available)

More information can be here.

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