Newsletter

Global Environmental and Chemical Regulations, Policies, and Standards

August 2024
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IAEG

NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
August 2024

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 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 regulations 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 Michele Lawrie-Munro at mlawriemunro@iaeg.com.

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ASIA

Israel

Limitations on the production, trade, and use of mercury, mercury compounds, and products containing mercury (published)

On 09 July 2024, Israel's Ministry of Environmental Protection published a regulation known as Hazardous Substance Regulations (implementation of the Minamata Convention on Mercury), 2024. This Hazardous substance regulation aims to implement the provisions of the Minamata Convention on Mercury by limiting the production, trade, and use of mercury, mercury compounds, and products containing mercury.

Sections 2 and 3 lay down the scope and definitions that are important for the regulation, including what uses are out of scope of the regulation. Section 4 prohibits the manufacture, export, or import of products containing mercury, such as lamps, mercury vacuum pumps, cosmetics products, pesticides, and biocides (full list in first appendix), and prohibits the addition of such products in another product. The prohibition does not apply to switches, fluorescent lamps with a cold cathode, fluorescent lamps with an external electrode for electronic displays, and measuring devices, if they are used as a component of the equipment, provided they do not have a mercury-free alternative that is reasonably available.

If the product containing mercury was legally manufactured before the day of commencement, which is 1 January 2026, the existing poison permit or emission permit will remain valid. If the product was not manufactured before the start date, a permit can be obtained by submitting a risk assessment of human and environmental health; the authorities will then study each application and decide on its safety.

Section 5 prohibits the use of mercury or mercury compounds in production processes listed in the second appendix of this regulation. No poison permit or emission permit will be granted for such use.

This regulation is effective from 9 January 2025 except for:

- prohibition of manufacture, export, or import of products containing mercury listed in first appendix and non-addition of such product in another product – effective from 1 January 2026
- mercury-containing compact fluorescent bulbs used for lighting, the wattage of which exceeds 30 watts – effective from 1 January 2027
- mercury-containing compact fluorescent lamps with a non-built-in choke for lighting purposes, where the wattage does not exceed 30 watts and with a content of up to 3.5 milligrams of mercury in each bulb – effective from 1 January 2027
- mercury-containing linear fluorescent lamps used for lighting, of the types listed in first addition number 6 and 7 and first appendix, number 6, 8, 2 – effective from 01 January 2027
- mercury contained in products listed in number 6b to 6d and 6 h(1) of the first appendix – effective from 1 January 2028

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Non-compliance to these rules will result in a sentence of up to six months imprisonment or a fine as stated in Section 61(a)(1) to the penal code. Further penalties are also listed in Section 6.

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

Japan

Designation of perfluorooctanoic acid branched isomers, their salts, and related compounds as Class I substances (amendment)

The Ministry of Environment published an amendment to the Enforcement Order of the Law Concerning the Examination and Regulation of Manufacture, etc. This amendment designates perfluorooctanoic acid (PFOA; CAS No. 335-67-1) branched isomers, their salts, and PFOA-related compounds as Class I substances.

The amendment aims to align Japan's approach with global PFOA restrictions under the ninth meeting of the Conference of the Parties to the Stockholm Convention on persistent organic pollutants (POPs). Chemical substances designated as Class I are persistent, highly accumulative, and have long-term toxicity to human health and the environment. Their use and manufacture are restricted, and their import is prohibited unless permission is given by the authority.

The amendments are as follows:

- extension of Entry 34 for PFOA or its salts to include "PFOA isomers" as Class I Specified Chemical Substances[1]
- replacing existing Entry 35[2] with PFOA-related compounds as Class I Specified Substances, defined as perfluorooctyl iodide (PFOI; CAS No. 2043-57-4), 8:2 fluorotelomer alcohol (8:2 FTOH; CAS No. 865-86-1) and substances that degrade to PFOA as specified by the Ministry of Health, Labor and Welfare and other competent authorities
- prohibition of the importation of several categories of products that contain PFOA-related compounds starting from 10 January 2025. These products are:
  - antifoaming agents
  - fabrics treated with oil- or water-repellent properties
  - fire extinguishers, fire extinguishing agents for fire extinguishers, and fire extinguishing foams
  - floor coverings treated with oil- or water-repellent properties
  - oil-repellent, water-repellent, antifouling, and fiber protecting agents
  - optical fiber or coating agents applied to optical fiber
- fire extinguishers, fire extinguishing agents for fire extinguishers, and foam fire extinguishing agents containing PFOA isomers, their salts, or PFOA-related compounds must follow the stipulated technical standards for handling

The amendment states the following provisional transitional measures:

- the enforcement of PFOA branched isomers and their salts will begin on 10 September 2024 while the enforcement of PFOA-related compounds will begin on 10 January 2025
- PFOA-related compounds may be used in fire extinguishers, fire extinguishing agents for fire extinguishers, and fire extinguishing foams but are subject to permission

More information can be found here in Japanese.

[1] The phrase "PFOA or its salts" is replaced with "PFOA, its isomers, or their salts" in the regulatory text
[2] Perfluorohexane sufonic acid (PFHxS; CAS No. 355-46-4) is now under Entry 36.

Amendment of the customs import procedures for chemical substances (notice)

The Japanese Ministry of Economy, Trade, and Industry (METI) has provided notice of the amendment of the custom import procedures for chemical substances under Japanese Chemical Substances Control Law (CSCL). The amendments are intended to improve the efficacy of customs import procedures for certain substances applicable to research and development, as well as standardize terminology. The amendments, published 26 June 2024 and entered into force on 1 July 2024, include the following:

- when importing a chemical for research and testing, or when importing a new chemical to be used as a reagent, Form 1 is to be used
- when importing general chemical substances for purposes other than research and testing, the official gazette publication reference number must be entered on the import declaration form
- when importing a monitored chemical substance for purposes other than research and testing, the serial number of the official gazette public notice must be entered on the import declaration form
- when importing a Class 1 specified substance for purposes other than research and testing, permission must be obtained from METI
- when importing a Class 2 specified substance for purposes other than research and testing, the number of each substance as specified in Article 2 of the Law Enforcement Order must be entered on the import declaration form

Articles 6 and 7 of the amendment cover additional requirements when importing new chemical substances, including notifications to the Ministry of Health, Labor, and Welfare as well as METI.

Regarding the import of products containing Class 1 specified substances, Part II of the notice stipulates that when importing products listed in Article 7 of the Enforcement Order of the Law, it is necessary to confirm that the products do not contain any Class 1 Specified Chemical Substances listed in the table under Attachment 1 of the notice. Failure to do so will prevent the products from being imported.

Failure to comply with the import requirements listed may prevent an import being approved, and falsified or forged documents will be punished in accordance with relevant laws and regulations.

More information can be found here in Japanese.

Amendment to the Enforcement Order of the Chemical Substances Control Law to target perfluorooctanoic acid, its salts, and related substances (published)

On 5 July 2024, the Ministry of Economy, Trade, and Industry (METI) of Japan, in coordination with the Ministry of Health, Labor, and Welfare (MHLW) and the Ministry of the Environment (MoE), announced an amendment to the Enforcement Order of the Chemical Substances Control Law (CSCL). This amendment designates certain chemical substances as Class I Specified Chemical Substances under Article 2, Paragraph 2 of the CSCL. The amendment specifically targets:

- perfluorooctanoic acid (PFOA; CAS No. 335-67-1), limited to those with a branched structure and eight carbon atoms (i.e., isomers of PFOA), or their salts
- PFOA-related substances, such as perfluorooctyl iodide (CAS No. 507-63-1) and 8:2 fluorotelomer alcohol (CAS No. 678-39-7), as well as other substances specified by the MHLW, METI, and MoE.

Designation as Class I Specified Chemical Substances means that these chemicals are subject to strict regulatory controls, including prohibitions on manufacturing, importation, and restricted use, due to their persistence, bioaccumulation, and long-term toxicity.

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The regulation prohibits the import of products containing these designated substances when used in specific applications. For example, products like treated fabrics that provide water- or oil-resistant properties are subject to this regulation. Additionally, products containing these substances, such as fire extinguishers and related agents, must comply with national technical standards during their handling.

The amendment will become effective in phases, with the designation of PFOA isomers and their salts taking effect on 10 September 2024 and the regulations concerning PFOA-related substances becoming effective on 10 January 2025.

More information can be found in Japanese in this announcement from METI.

South Korea

Re-enactment of the partial revision of the Enforcement Decree of the Act on Registration and Evaluation of Chemical Substances (published)

The South Korea Ministry of Environment (MoE) published a notice announcing the re-enactment of the partial revision of the Enforcement Decree of the Act on Registration and Evaluation of Chemical Substances (the Decree). This revision specifies that if a chemical substance manufactured from the recycling of waste is identical to an already registered chemical substance, there is no need to register the substance obtained from the recycling process.

A three-day consultation was opened for this revision. This revision had already been proposed by MoE but not approved. No further information on implementation or approval timeline has been given. On 23 July 2024, the MoE introduced an amendment to the Decree that was published as Presidential Decree No. 34749 and made official by President Yoon Suk-yeol and Prime Minister Han Duck-soo. The regulations will come into effect on 1 January 2025 with certain provisions becoming effective on 7 August 2025.

The primary objective of the amendment is to enhance the regulatory framework for the management of chemical substances in South Korea. A significant change introduced by this amendment is the adjustment of the registration threshold for new chemical substances. The annual production and import volume threshold for mandatory registration has been increased from 100 kilograms to 1 tonne. Additionally, an exceptional threshold of 10 tonnes has been established for specific new chemical substances.

The amendment also strengthens the review and verification processes related to chemical substances. The MoE is now authorized to examine the adequacy of the materials submitted during the notification of new chemical substances. To improve administrative efficiency and leverage expertise, the task of reviewing these materials has been delegated to the Korea Environment Corporation (KEC). In addition, to address operational inefficiencies and improve system effectiveness, the responsibilities for receiving and managing new chemical substance notifications, as well as communicating outcomes, have been transferred from the Chemical Safety Agency to KEC.

Furthermore, the amendment empowers the public to request corrections or supplementation of disclosed chemical substance information. Individuals can now submit evidence to the MoE to request amendments to publicly available chemical information. The authorities and delegated institutions responsible for disclosing this information have been granted the authority to make the necessary amendments based on such public requests.

The detailed implementation provisions include changes to several articles in the Decree. Article 10-3(1) now sets the registration threshold for new chemical substances at 10 tonnes, with related clauses adjusted accordingly. Article 13(1-2)

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redefines the categories of chemical substances requiring registration to include those manufactured or imported below 100 kilograms annually. Additionally, Articles 31(1) and 31(2) have been updated to reflect new responsibilities, incorporating sub-clauses detailing the administrative, technical, and financial support mechanisms for managing chemicals. Articles 31(5) and 31(6) have also seen several sub-clauses renumbered and updated to align with the newly delegated duties, particularly focusing on the enhanced role of KEC.

Penalties are not mentioned in the update.

More information can be found here in Korean.

Partial amendment of the Enforcement Rule of the Act on the Registration and Evaluation of Chemical Substances (draft)

On 31 July 2024, the South Korea notified the World Trade Organization (WTO) of a draft partial amendment to the Enforcement Rule of the Act on Registration and Evaluation of Chemical Substances. Comments are due by 29 September 2024. This amendment, prepared by the Ministry of Environment, aims to align the Enforcement Rule with recent changes to the Enforcement Decree, particularly concerning chemical substances manufactured by recycling wastes.

The amendment introduces provisions that allow potential registrants to waive the submission of certain parts, or the entirety of evidence data required under the Act, provided specific conditions are met. This is in accordance with Article 14 of the Act and Article 13 of the Enforcement Decree. Additionally, the amendment outlines exemptions for chemical substances produced by recycling wastes, which, under the Wastes Control Act, are not required to undergo notification or registration. The amendment specifies the application cycle for confirming these exemptions and provides detailed guidance on preparing the necessary data. Furthermore, the amendment includes a new requirement for the government to provide more detailed information to applicants regarding the acceptance of their registration submissions, as stipulated under Article 16(2) of the Act and Article 20 of the Enforcement Rule. The proposed date of adoption and entry into force for this amendment is 10 October 2024.

Vietnam

Amendment to Decree No. 06/2022/ND-CP that regulates greenhouse gas emissions (draft)

The Government of Vietnam has published a draft amendment to Decree No. 06/2022/ND-CP, originally issued on 7 January 2022, which regulates the reduction of greenhouse gas (GHG) emissions and the protection of the ozone layer. The proposed amendments aim to refine and enhance Vietnam's regulatory framework, ensuring alignment with international environmental commitments and national goals.

The draft amendment introduces new responsibilities for facilities allocated emission quotas from 2025 to 2030, requiring them to develop and implement GHG reduction measures consistent with their quotas. Additionally, facilities that have not been allocated quotas must prepare and execute GHG mitigation plans. The draft also specifies requirements for the collection and reporting of data on GHG absorption by ecosystems and provinces, with a focus on sustainable forest management and conservation.

Significant updates are proposed for the reporting and verification processes. Organizations are required to follow updated guidelines for reporting, measuring, and verifying GHG emissions, with specific requirements for entities involved in

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national defense and security. The draft mandates biennial GHG inventory reports that include results from the two most recent years.

The amendment outlines a phased approach to GHG quota allocation for 2025-2030, presenting two options for implementation. One approach involves sector-specific ministries proposing annual quotas, which are then reviewed and approved by the Ministry of Natural Resources and Environment (MONRE) and the Prime Minister. The alternative approach suggests the establishment of an Inter-ministerial Council, led by the Deputy Prime Minister, to evaluate and allocate quotas.

A key focus of the draft is the development of a domestic carbon market, with a detailed roadmap for establishing this market, including the creation of a carbon trading floor by 2027. The draft also introduces mechanisms for exchanging and offsetting carbon credits in line with international agreements, which will further integrate Vietnam into the global carbon market.

Revisions are also made to the management of substances controlled under ozone protection regulations. New requirements for recycling, reuse, and disposal are introduced, ensuring stricter control and compliance with international standards. The draft clarifies the responsibilities of MONRE and other relevant ministries in implementing these provisions, including issuing technical guidelines, monitoring compliance, and facilitating international cooperation on GHG reductions and ozone protection.

The draft amendment is expected to come into effect later in 2024, with specific timelines for the implementation of its various provisions.

More information can be found in Vietnamese in this announcement from the Ministry of Justice.

EUROPE

Czechia

Regulation No. 224/2024 Coll. regarding restriction of certain hazardous substances in electrical and electronic equipment (effective)

On 25 July 2024, the Czech government published Government Regulation No. 224/2024 Coll. to amend Government Regulation No. 481/2012 Coll. regarding the restriction of certain hazardous substances in electrical and electronic equipment (EEE). This regulation introduces specific changes to align with updated European Union (EU) directives.

Key amendments include references to two new EU directives. The first is Commission Delegated Directive (EU) 2024/232, dated 25 October 2023, which amends Directive 2011/65/EU regarding the exemption for cadmium (CAS No. 7440-43-9) and lead (CAS No. 7439-92-1) in plastic profiles of electrical and electronic windows and doors containing recycled hard polyvinyl chloride. The second is Commission Delegated Directive (EU) 2024/1416, dated 13 March 2024, which amends Directive 2011/65/EU regarding the exemption for cadmium in quantum dots for wavelength conversion directly deposited on LED semiconductor chips.

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The regulation also modifies and introduces new items in Annex 2 related to the restriction of hazardous substances in specific components of EEE, although the exact wording and details of these changes are not specified in the update.

This regulation came into effect on 1 August 2024, with certain provisions (Article I, Points 2 to 4) taking effect on 1 January 2025. Penalties are not mentioned in the update.

More information can be found here in Czech.

European Union

Amendment to Regulation (EU) 2017/852 on mercury regarding mercury-added products subject to export, import and manufacturing restrictions (in force)

The European Commission published an amendment to Regulation (EU) 2017/852 on mercury (CAS No. 7439-97-6), regarding mercury-added products subject to export, import, and manufacturing restrictions. Part A of Annex II to Regulation (EU) 2017/852, which lists banned mercury-added products, is amended to include the following mercury-containing lamps:

- Entry 3b:
  - all other compact fluorescent lamps (CFLs) for general lighting purposes that are not included in Entries 3 and 3a
  - banned from 31 December 2025
- Entries 4a, 4b, 4c and 4d:
  - phosphor lamps for general lighting purposes
  - banned from 31 December 2025 and 31 December 2026
- Entry 5a:
  - high pressure sodium (vapor) lamps for general lighting purposes
  - banned from 31 December 2025

This regulation came into force on 30 July 2024.

Directive (EU) 2024/1785 amending Directive 2010/75/EU on industrial emissions and Directive 1999/31/EC on landfills of waste (amendment)

The European Union published Directive (EU) 2024/1785, amending Directive 2010/75/EU on industrial emissions and Directive 1999/31/EC on landfills of waste. This amendment tightens controls on industrial emissions and landfill operations. Directive 2010/75/EU sets strict emission limits and promotes the use of best available techniques (BAT) to minimize environmental impact. Directive 1999/31/EC sets strict standards for landfill sites and promotes waste reduction, recycling, and recovery.

The amendment introduces stricter emission limits for certain pollutants and enhances monitoring requirements for industrial installations. Key changes include:

- stricter emission limits: new limits for nitrogen oxides (NOx), sulfur dioxide (SO2), and particulate matter (PM) emissions from industrial installations
- enhanced monitoring: increased frequency and scope of emission monitoring and reporting requirements

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- landfill regulations: revised criteria for waste acceptance at landfills, aiming to reduce environmental impact
- poultry and pig rearing: revised requirements for the set-up and management of poultry and pig rearing facilities

These changes require industrial operators to upgrade their pollution control technologies and implement more rigorous monitoring systems. The amendment also aligns landfill regulations with the latest scientific and technical developments to minimize adverse environmental effects.

The amendment entered into force on 4 August 2024. Member States must transpose the requirements into their national law by 1 July 2026 should set up transitional provisions.

Penalties for non-compliance include fines and potential suspension of operations for facilities that fail to meet the updated standards.

Amendment to the persistent organic pollutant regulations regarding methoxychlor, polychlorinated biphenyls, and UV-328 (announced)

Methoxychlor

On 22 July 2024, the European Commission (EC) adopted a Delegated Regulation that will amend Regulation (EU) 2019/1021 of the European Parliament and of the Council, also known as the European Union (EU) persistent organic pollutant (POP) regulation, regarding methoxychlor (CAS No. 72-43-5). The draft Delegated Regulation was formally published for comments in May 2024 and now has been adopted by the Commission. It enforces the EU commitments under the Stockholm Convention on POPs. Following the decision to add methoxychlor to the Stockholm Convention, it aims to amend Annex I of the EU POPs regulation, meaning that the manufacturing, placing on the market, and use of methoxychlor, whether on its own, in mixtures, or in articles, shall be prohibited subject to exemptions.

Polychlorinated biphenyls

Also in July 2024, the European Commission published an initiative to amend the polychlorinated biphenyls (PCBs, CAS No. 1336-36-3) entry in Annex I of the EU POPs regulation. This initiative specifies an unintentional trace contaminant limit value for PCBs in substances, mixtures, or articles. The feedback period for the initiative is expected to be announced shortly.

UV-328

The EC published a draft delegated regulation proposing amendments to EU POP regulation to include UV-328, a substance now recognized as a POP under the Stockholm Convention. This amendment reflects the decision made during the eleventh meeting of the Conference of the Parties to the Stockholm Convention in May 2023, which added UV-328 to Annex A of the Convention with specific exemptions. Comments were due on 27 August 2024. The final regulation is expected to be adopted in the fourth quarter of 2024, with the new rules coming into effect on 26 February 2025.

The amendments include adding UV-328 to Annex I of Regulation (EU) 2019/1021, thereby restricting its production, use, import, and export within the EU, except under certain conditions. Specific exemptions are proposed for the use of UV-328 in products such as land-based motor vehicles, triacetyl cellulose film in polarizers, and photographic paper until 26 February 2030. Additionally, spare parts for certain applications where UV-328 was initially used may be used until the end of their service life or 2044, whichever comes first. The regulation also introduces a limit value of 1 milligram per kilogram for UV-328 when present as an unintentional trace contaminant in substances, mixtures, and articles.

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Amendment to Annex XVII to reach regarding N,N-dimethylacetamide and 1-ethylpyrrolidin-2-one (draft)

On 30 July 2024, the European Commission issued a notification via the World Trade Organization (WTO) website regarding the amendment of Annex XVII to Regulation (EC) No 1907/2006 (REACH Regulation), concerning N,N-dimethylacetamide (DMAC; EC No. 204-826-4; CAS No. 127-19-5) and 1-ethylpyrrolidin-2-one (NEP; EC No. 220-250-6; CAS No. 2687-91-4). This amendment introduces new restrictions on the market placement of these substances when present in concentrations higher than 0.3% unless the registration dossiers and safety data sheets are updated to reflect the new Derived No-Effect Levels (DNELs). Manufacturers and downstream users are required to ensure that worker exposure to these chemicals remains below the established DNELs.

The amendment aims to address the risks associated with occupational exposure to DMAC and NEP, both known for their reprotoxic properties. To achieve this, the regulation sets specific DNELs:

- 13 milligrams per cubic meter (mg/m³) for long-term inhalation exposure and 1.8 milligrams per kilogram (mg/kg)/day for long-term dermal exposure to DMAC
- 4.0 mg/m³ for long-term inhalation exposure and 2.4 mg/kg/day for long-term dermal exposure to NEP

To allow industries time to comply, the regulation provides a transitional period before enforcement. Most industrial sectors will have 18 months from the regulation's entry into force to meet the new requirements. However, for the manufactured fibers sector, the application of the restriction on DMAC is deferred for 48 months, offering additional time for compliance.

The proposed regulation is expected to be adopted in the first quarter of 2025 and will come into force 20 days after its publication in the Official Journal of the European Union. Comments are due by 28 September 2024.

France

Order of 5 July 2024 relating to communication, navigation, surveillance, and anti-collision equipment installed on board aircraft (amendment)

On 14 July 2024, an Order of 5 July 2024 (the Order) relating to communication, navigation, surveillance, and anti-collision equipment installed on board aircraft was issued. The Order entered into force on 15 July 2024.

This Order aims to implement and supplement Commission Regulation (EU) No 1332/2011 and Commission Implementing Regulation (EU) 2023/1770. Article 1 subjects all aircraft operating in accordance with the rules applicable to general air traffic in national airspace or in the airspace in which France is responsible for to the provisions of this Order. The updated requirements can be found in the Annex to this Order.

The Order repeals:

- the Order of 2 September 1997 requiring the carriage of radar transponders in the control zones and terminal control regions of Fort-de-France and Pointe-à-Pitre
- the Order of 21 June 2001 relating to communication, navigation, surveillance, and anti-collision equipment installed on board aircraft flying in the flight information regions of mainland France
- the Order of 21 June 2001 relating to communication, navigation, surveillance, and anti-collision equipment installed on board aircraft flying in overseas airspace operated by the French administration

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- the Order of 3 October 2017 requiring the carriage of equipment providing an automatic dependent surveillance function in broadcast mode in the airspace of French Polynesia
- Articles 2 and 3 of the Decree of 27 June 2018 on the implementation of Implementing Regulation (EU) No 1079/2012
- the Decree of 9 January 2019 requiring the carriage of surveillance equipment in the airspace of New Caledonia

Information can be found here in French.

Germany

Law to improve climate protection in emission control (amendment)

The German government has passed a law to improve climate protection in emissions control, to accelerate approval procedures under emissions control law, and to implement European Union law. The law is expected to be an important step for the expansion of onshore wind energy and promote expansion. The measures are being introduced to sustainably accelerate and reduce bureaucracy in approval procedures.

The main contents of the law are:

- the approval period can only be extended once for three months (previously unlimited) – a further extension is only possible with the consent of the applicant
- a definition of the completeness of the application documents is included
- the start of the deadline will be prevented from being delayed by repeated requests; the deadline for approval procedures begins to run as soon as the approval authority does not respond within a specified period or the documents requested for the first time have been submitted by the applicant
- it will be possible to submit documents that are not directly relevant for assessing the eligibility for approval – in a subsequent joint process involving the federal government, states, approval authorities, and associations, it will be determined which specific documents will be required in which stage of the process in the future

There is no penalty associated with this update.

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

Amendment to Directive 2011/65/EU (RoHS Directive) to provide exemption for use of cadmium in quantum dots directly attached to LED (published)

On 17 July 2024, the German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety, and Consumer Protection announced the implementation of the Delegated Directive (EU) 2024/1416. This directive, issued by the European Commission on 13 March 2024, amends Directive 2011/65/EU (RoHS Directive) to provide an exemption for the use of cadmium in quantum dots directly applied to LED semiconductor chips for wavelength conversion.

This exemption is now implemented through § 3 Absatz 3 Satz 1 of the German Elektro- und Elektronikgeräte-Stoff-Verordnung (Electrical and Electronic Equipment Substance Ordinance), aligning with the RoHS Directive's objective of limiting hazardous substances in electrical and electronic equipment while allowing specific, time-limited exemptions when necessary.

More information can be found in German in the Federal Law Gazette.

Ireland

Exemptions for use of cadmium and lead in electrical and electronic equipment (amendment)

On 12 July 2024, the Irish government published the "European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2024," which entered into force the same day of its publication. These Regulations implement an exemption within Commission Delegated Directive (EU) 2024/232, which amends Directive 2011/65/EU on restricting hazardous substances in electrical and electronic equipment.

The implemented Directive (EU) 2024/232 introduces an exemption for the use of cadmium (CAS No. 7440-43-9) and lead (CAS No. 7439-92-1) in plastic profiles of electrical and electronic windows and doors, specifically those made from recovered rigid polyvinyl chloride (PVC). This exemption applies when the concentration of cadmium does not exceed 0.1% and lead does not exceed 1.5% by weight of the PVC material.

Granting this exemption is justified by the environmental benefits of using recycled PVC, which requires less energy and natural resources compared to using virgin materials. However, the exemption has an expiry date of 28 May 2028, coinciding with a planned review of related restrictions.

Directive (EU) 2024/232 also specifies requirements for manufacturers using recovered PVC with lead content of 0.1% or more. In such cases, the windows and doors must be visibly labelled to indicate the lead content. Additionally, manufacturers must maintain documentation on the recycled origin of the PVC material and provide this documentation to national enforcement authorities upon request.

Norway

Changes to regulations on notification when exporting certain hazardous chemicals (effective)

On 14 August 2024, the Norwegian Food Safety Authority published an update to the regulation concerning the notification requirements for the export of certain hazardous chemicals. This update, effective from 13 August 2024, amends the existing Regulation No. 2293 of 4 November 2020. The amendment primarily involves a revision of Appendix 1, which lists the chemicals that are subject to mandatory notification before export. This revision ensures that the regulation remains consistent with the substances listed under the Rotterdam Convention, an international treaty that governs the trade of hazardous chemicals.

The updated list in Appendix 1 includes various hazardous substances, particularly pesticides such as alachlor (EC No. 240-110-8; CAS No. 15972-60-8), aldicarb (EC No. 204-123-2; CAS No. 116-06-3), and DDT (EC No. 200-024-3; CAS No. 50-29-3), as well as industrial chemicals like decabromodiphenyl ether and several forms of asbestos. The list also incorporates severely hazardous pesticide formulations such as methyl-parathion and certain dustable powder formulations that present

significant risks. Exporters of these chemicals are required to notify the relevant authorities before any export activity takes place, thereby ensuring compliance with both national regulations and international obligations.

While penalties for non-compliance are not mentioned in the update, failure to comply with these requirements could result in penalties.

Information can be found here in Norwegian.

NORTH AMERICA

Canada

Notice on reporting requirements regarding per- and polyfluoroalkyl substances (published)

The Canadian Government, under the Canadian Environmental Protection Act (CEPA), has provided notice of per- and polyfluoroalkyl substances (PFAS) reporting requirements for the year 2023. The notice, published 27 July 2024, provides details of the reporting requirements, as well as other information requirements, and provides a reporting deadline for 29 January 2025. Affected parties are required to report via the online reporting system available through Environment and Climate Change Canada's Single Window.

Article 2 of the notice outlines the persons to which this notice applies, with the notice applying to anyone who, during the 2023 calendar year:

- manufactured >1 kilogram (kg) of any substance listed under Schedule 1 of the notice
- imported >10 grams (g) of a substance listed in Part 1 of Schedule 1, or >100 kg of a substance listed in Part 2 or 3 of Schedule 1, subject to conditions outlined in Article 2
- imported >100 kg of any substance listed in Schedule 1 at a concentration equal to or greater than 1 part per million
- used >10 g of any substance listed in Schedule 1

The notice does not apply to substances intended for laboratory use, such as standards or scientific research, with other exclusions also listed Article 5.

The information requirements set out under this notice are included in Articles 7 to 14, requiring information on the reporting entity, the chemical specific information, relevant quantities, and usage information, as well as information regarding the products or goods containing listed PFAS. Affected parties should ensure that they meet the reporting requirements of this notice ahead of any deadline. While there are no penalties associated with this notice, parties should ensure they remain compliant to avoid any penalties associated with CEPA.

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Federal environmental quality guidelines for benzene, toluene, ethylbenzene, and xylene (published)

The Canadian government published federal environmental quality guidelines (FEQGs) for benzene, toluene, ethylbenzene, and xylene (BTEX). FEQGs describe acceptable quality of the ambient environment and aim to:

- prevent pollution by providing targets for acceptable environmental quality
- assist in evaluating the significance of concentrations of chemical substances currently found in the environment
- serve as performance measures of the effectiveness of risk management activities

The use of FEQGs is voluntary unless prescribed in permits or other regulatory tools. There are no penalties associated with this update.

More information can be found in this announcement in the Canada Gazette.

Ministerial Condition No. 20113 (amendment)

The Canadian Government, under the Canadian Environmental Protection Act of 1999 (CEPA), has permitted the manufacture or import of 1,1'-(isopropylidene)bis[3,5-dibromo-4-(polysubstitutedmethylalkoxy)benzene] subject to certain conditions described in Ministerial Condition No. 20113. The action comes after the substance was suspected to be toxic or capable of becoming toxic under the conditions of CEPA. The notice entered into force on 2 July 2024.

The purpose of the Ministerial Condition No. 20113 is to manage the risks associated with chemicals that may be harmful to human health or the environment. Under this regulation, the Minister of the Environment, or the Minister of Health, can impose specific conditions on the use, handling, release, and disposal of certain substances. These conditions are designed to mitigate potential adverse effects and ensure that the substances are used in a manner that is safe for both people and the environment. The regulation is part of Canada's broader chemical management framework, which aims to protect public health and the environment through the assessment and management of chemical substances.

The conditions include the following, where the notifier is the person acting under CEPA to manufacture or import the substance:

- the notifier may only import the substance to use it as a flame retardant in the manufacture of expandable polystyrene
- the notifier may not import the substance to manufacture a consumer product with direct human contact or products in food grade applications
- the notifier shall transfer the physical possession or control of the substance only to a person who agrees to use it in accordance with the conditions above
- at least 120 days prior to beginning manufacturing the substance or products containing the substance in Canada, the notifier shall inform the Minister of the Environment, in writing, including other information listed under Section 6 of the notice

Conditions are also provided regarding the actions in the event of environmental release, as well as other requirements including recordkeeping.

There are no specific penalties for non-compliance, though failure to comply will be considered a violation of CEPA and bring about the associated penalties.

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Updates to phased approach to per- and polyfluoroalkyl substances in firefighting foam (draft)

The Canadian government published an updated report on pursuing a phased approach to per- and polyfluoroalkyl substances (PFAS) in firefighting foam, followed by potential future prohibitions on additional uses. The report proposes to conclude that the class of PFAS, excluding fluoropolymers, penetrates to the environment at the level which may cause adverse effects to human and environmental health. Canada is proposing a separate assessment to examine the exposure and hazard profile of fluoropolymers due to evidence that suggests that fluoropolymers may have different exposure and hazard profile than other PFAS. Comments were due on 11 September 2024.

The Minister of Environment and Climate Change and the Minister of Health have also planned to consider whether fluoropolymers are candidates for the watch list under section 75.1 of Canadian Environmental Protection ACT that will help the public and manufacturers to select safer alternatives. The revised risk management proposes a phased approach, starting to restrict PFAS not already regulated in firefighting foams, then prohibiting other uses or sectors in relation to PFAS.

Canada is also planning some upcoming actions including issuing an information collection notice targeting manufacturers and importers who use certain PFAS. The notice will require them to submit their information in the fall of 2024 to i) establish baseline data to inform future activities as well as prohibiting certain Toxic substances, ii) further restrict the manufacture, use, sale, offer for sale, and import of the three PFAS subgroups that are already regulated, and iii) reduce exposure to PFAS in Canadian drinking water.

More information can be found in this News Release.

Order 2024-87-06-02 amending the Non-domestic Substances List (in force)

On 22 July 2024, the Canadian Minister of the Environment, issued Order 2024-87-06-02 that amends the Non-domestic Substances List (NDSL) under the Canadian Environmental Protection Act, 1999 (CEPA). This amendment involves the removal of the substance with the Chemical Abstracts Service Registry Number (CAS RN) 1538608-23-9 from Part I of the NDSL. The removal is linked to the substance's addition to the Domestic Substances List (DSL) under a related order.

The order came into force on 24 July 2024, the same day that Order 2024-87-06-01 amended the DSL was registered. This amendment ensures that the substance is no longer considered non-domestic and is instead regulated under the provisions applicable to domestic substances within Canada.

CEPA mandates the management and regulation of substances that could pose risks to human health and the environment. The NDSL and the DSL are key regulatory tools. Substances are regularly reviewed and updated on these lists to reflect their current use and status in Canada. The NDSL includes substances not currently manufactured in or imported into Canada in significant quantities but known to be in commerce internationally, particularly under the U.S. Toxic Substances Control Act. Substances on the NDSL are subject to notification requirements under CEPA before they can be manufactured or imported into Canada, though these requirements are generally less stringent than for substances not on the NDSL. The NDSL is regularly updated to reflect changes in the use and regulatory status of substances.

There are no penalties associated with this update.

Order 2024-87-23-01 amending the Domestic Substances List: SOR/2024-161 (published)

Order 2024-87-23-01 amends Canada's Domestic Substances List (DSL) under the Canadian Environmental Protection Act, 1999 (CEPA) by modifying the regulatory status of three chemical substances. The update imposes Significant New Activity (SNAc) requirements, which mandate that any new use or import of these substances in specific products must be reported to the government for assessment to determine potential toxicity.

This amendment ensures that certain chemical substances, which are already present on the DSL, undergo strict scrutiny for new or increased uses.

The following chemicals are deleted from Part 1 of the DSL:

- oxirane, [(2-propenyloxy)methyl]- (CAS No. 106-92-3)
- oxirane, [(2-methylphenoxy)methyl]- (CAS No. 2210-79-9)
- 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris(oxiranylmethyl)- (CAS No. 2451-62-9)

The substances listed have been added to Part 2 of the DSL and are now subject to SNAc provisions, which require companies to report specific new uses or import activities involving these substances:

- oxirane, [(2-propenyloxy)methyl]-:
  - report if used in consumer products or cosmetics at concentrations ≥ 0.1%
  - importation must be reported if the total annual import exceeds 10 kilograms (kg)
  - exemptions apply if the substance is for research and development, a site-limited intermediate, or export-only
- oxirane, [(2-methylphenoxy)methyl]-
  - report for use in consumer products like surface coatings, adhesives, or sealants above certain thresholds (2.5%, 30%, or 0.1%)
  - importation must be reported if the total exceeds 10 kg annually
  - exemptions similar to those listed for oxirane, [(2-propenyloxy)methyl]-
- 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris(oxiranylmethyl)-
  - report if used in consumer products or cosmetics at concentrations ≥ 0.1%
  - importation must be reported if annual imports exceed 10 kg
  - exemptions for research and development, site-limited intermediate, or export-only apply

For each substance, businesses must provide detailed information, including the description of the new activity, anticipated quantities, product details, potential health and environmental risks, and other relevant information. This must be done 90 days before the activity begins. The Minister of the Environment has 90 days to assess the information provided about new activities and determine if further action is required. This amendment came into force immediately upon registration on 15 July 2024.

Objective for Canadian Drinking Water Quality regarding per- and polyfluoroalkyl substances (published)

The Minister of Health published a notice on 9 August 2024 concerning the final objective for Canadian Drinking Water Quality regarding per- and polyfluoroalkyl substances (PFAS) after a 60-day consultation in 2023. This objective, established at 30 nanograms per liter for the sum of twenty-five specified PFASs detected in drinking water, is based on potential health concerns for the PFAS group, as well as treatment and analytical considerations. A result of "non-detect" is considered zero

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when calculating the sum of PFASs, and it is recommended to maintain PFAS concentrations in drinking water as low as reasonably achievable.

The final Guidelines for Canadian Drinking Water Quality: perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) have been withdrawn. This objective replaces the existing guidelines and nine screening values for individual PFASs.

Notice of a significant new activity on alkanes (published)

A notice of a significant new activity (SNAc) on alkanes, C4-8-branched and linear (CAS No. 2529890-37-5), was published under Section 83 of the Canadian Environmental Protection Act, 1999 (CEPA). Section 83 of CEPA mandates that the Minister of the Environment and the Minister of Health assess information to determine whether a substance is toxic or capable of becoming toxic. The substance is not listed on the Domestic Substances List, and it is suspected of potential toxicity.

To manage this risk, a SNAc has been issued, requiring any person intending to use the substance in a significant new activity to submit a Significant New Activity Notification at least 90 days prior to the activity. Significant new activities include the use of the substance in the manufacture or distribution for sale of cosmetics or consumer products, where the substance is present in a concentration greater than 1% by weight. The notice also includes exemptions, such as for research and development substances or products manufactured solely for export. The SNAc is effective immediately and applies until 11 August 2025.

New provisions added to Competition Act regarding greenwashing (consultation)

On 22 July 2024, the Competition Bureau of Canada launched a public consultation regarding new provisions added to the Competition Act, specifically targeting greenwashing. These provisions require businesses to have adequate and proper substantiation, in accordance with internationally recognized methodology, for any environmental claims they make about their products, services, or business activities. Comments are due on 27 September 2024.

The Bureau is gathering feedback to inform future enforcement guidelines and is particularly interested in understanding which types of environmental claims are commonly made, which are harder to substantiate, and what methodologies should be considered for evaluating these claims. This update directly impacts businesses by mandating that any environmental claims they make must be supported by reliable data, or they risk violating the law.

United States

Toxicological review of perfluorodecanoic acid (PFDA) and related salts (published)

The United States Environmental Protection Agency (EPA) has announced the release of the Integrated Risk Information System (IRIS) toxicological review for perfluorodecanoic Acid (PFDA) and related salts. The interagency comments on the IRIS Interagency Science Discussion Draft were also released. PFDA (CAS No. CAS No. 335-76-2) and its associated salts belong to the per- and polyfluoroalkyl substances (PFAS) class. The primary concern regarding PFDA arises from its resistance to hydrolysis, photolysis, and biodegradation, resulting in its environmental persistence. PFDA has been utilized in stain- and grease-resistant coatings on food packaging, furniture, upholstery, and carpets. Additionally, PFDA has been found in nano- and impregnation sprays, outdoor textiles, carpets, gloves, paper-based food contact materials, ski wax, and

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leather. Exposure can occur through inhaling indoor or outdoor air, ingesting contaminated drinking water and food, and dermal contact with products containing PFDA.

The assessment evaluates the potential cancerous and non-cancerous health effects on humans from exposure to PFDA and its related salts. EPA's program and regional offices may utilize this assessment to guide decisions to protect human health.

Spring 2024 Unified Agenda of Regulatory and Deregulatory Actions (published)

The U.S. Office of Information and Regulatory Affairs has published the Spring 2024 Unified Agenda of Regulatory and Deregulatory Actions, detailing the Toxic Substances Control Act rules that the Environmental Protection Agency plans to propose or finalize. This agenda includes risk management regulations for several high-priority chemicals, progress on rulemaking for chemicals of concern, and new reporting requirements.

Petition to regulate perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA) (published)

The United States Environmental Protection Agency (EPA) has granted a petition to initiate proceedings under Section 6 of the Toxic Substances Control Act (TSCA) to regulate perfluorooctanoic acid (PFOA; CAS No. 335-67-1), perfluorononanoic acid (PFNA; CAS No. 375-95-1), and perfluorodecanoic acid (PFDA; CAS No. 335-76-2) formed during the fluorination of plastic containers. The petition was submitted by various environmental groups who argue that these substances are hazardous to human health and the environment at low levels, causing cancer, developmental harm, reproductive harm, immune system toxicity, liver toxicity, thyroid toxicity, and kidney toxicity.

The purpose of Section 6 of TSCA is to regulate the manufacturing, processing, distribution, use, and disposal of chemical substances that pose an unreasonable risk to human health or the environment. This section gives EPA the authority to restrict or ban chemicals by requiring testing, setting safety standards, and implementing risk management measures.

The petitioners provided evidence that these substances are released into the environment and pose risks during all stages of the lifecycle of fluorinated containers. EPA's review, including its November 2023 risk assessment, found that PFOA, PFNA, and PFDA are persistent, bio-accumulative, and toxic chemicals. EPA concluded that it is necessary to initiate rulemaking to address the risks associated with these substances. The proceeding will include gathering information on the number, location, and uses of fluorinated containers in the United States and exploring alternatives to the fluorination process.

EPA's action aims to ensure that any risks associated with PFOA, PFNA, and PFDA are evaluated and managed. There are no immediate penalties, but future regulations will determine compliance requirements and potential penalties for non-compliance.

Draft risk evaluation for 1,1-Dichloroethane and draft human health hazard technical support document for 1,2-Dichloroethane (consultation)

The Environmental Protection Agency opened a consultation on the draft risk evaluation for 1,1-dichloroethane (1,1-DCA; CAS No. 75-34-3) and the draft human health hazard technical support document for 1,2-dichloroethane (1,2-DCA; CAS No. 107-06-2). 1,1-DCA is primarily used as an industrial and commercial solvent and to make many different substances,

including other chlorinated solvents (e.g., 1,1,1-trichloroethane) that have broad industrial applications. It is also used in relatively small amounts for laboratory research. 1,2-DCA is used in polymers, pharmaceuticals, fuels, pH regulators, water treatment products, textiles, and plant protection products. In this case, EPA used 1,2-DCA as an analog for a read-across method to supplement the non-cancer and cancer hazard information for 1,1-DCA.

Information obtained from this consultation might inform future risk management decisions, including the establishment of new requirements or restrictions for the use of these substances. The consultation deadline was 3 September 2024.

Acetaldehyde, acrylonitrile, benzenamine, vinyl chloride, and 4,4-methylene bis(2-chloroaniline) designated as high-priority substances under the Toxic Substances Control Act (consultation)

On 25 July 2024, the Environmental Protection Agency (EPA) published a notice on proposal of high-priority substance designations under the Toxic Substances Control Act (TSCA). The Risk Evaluation process is the second step, following Prioritization and before Risk Management, in EPA's existing chemical process under TSCA. It aims to determine whether a chemical substance presents an unreasonable risk to health or the environment, under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation.

The proposal involves designation of five substances, acetaldehyde (CAS No. 75-07-0), acrylonitrile (CAS No. 107-13-1), benzenamine (CAS No. 62-53-3), vinyl chloride (CAS No. 75-01-4), and 4,4-methylene bis(2-chloroaniline) (CAS No. 101-14-4) as high-priority substances for risk evaluation. Comments on the proposal are due by 23 October 2024.

Amendments regarding e-Manifests, polychlorinated biphenyls manifests, and technical corrections (published)

The Environmental Protection Agency (EPA) has finalized amendments to the hazardous waste manifest regulations under the Resource Conservation and Recovery Act (RCRA). These changes aim to enhance the utility of the hazardous waste electronic manifest (e-Manifest) system by reducing administrative burdens and improving the tracking of hazardous waste shipments. Additionally, the amendments align polychlorinated biphenyls (PCBs) waste regulations under the Toxic Substances Control Act (TSCA) with the RCRA manifest regulations and the e-Manifest program.

Key updates include the requirement for hazardous waste exporters to submit export manifests to the e-Manifest system and pay the associated user fees. The amendments also integrate hazardous waste export manifests into the e-Manifest system, linking manifest data more closely with international movement documents. Further changes extend to three manifest-related reports—Discrepancy, Exception, and Unmanifested Waste Reports—and include technical corrections to address typographical errors and obsolete requirements. The rule impacts over 100,000 entities involved in hazardous waste handling, ensuring better tracking and compliance with federal and state regulations.

Commenters generally supported these changes but raised concerns about the potential integration of the Biennial Report with the e-Manifest system. In response, EPA has decided to delay further action on this aspect for additional analysis.

This rule becomes effective on 22 January 2025. Entities involved in hazardous waste management, including exporters and importers, must comply with the new e-Manifest requirements. Penalties for non-compliance include potential fines and enforcement actions under RCRA and TSCA. Future actions on the Biennial Report BR integration will be addressed separately.

Regulating use of 1-bromopropane (proposal)

On 8 August 2024, the Environmental Protection Agency (EPA) opened a consultation on a draft rule regulating 1-Bromopropane (1-BP) under the Toxic Substances Control Act (comments due by 23 September 2024). This rule is being proposed due to the significant health risks associated with 1-BP, including neurotoxicity, developmental toxicity, and cancer. EPA is proposing to ban the manufacture, import, processing, and distribution in commerce of 1-BP for all consumer uses, except for its use in insulation. The rule also proposes prohibiting 1-BP in the following four industrial and commercial categories:

- adhesives and sealants
- dry cleaning solvents, spot cleaners, and stain removers
- coin and scissor cleaners
- other uses in arts, crafts, hobby materials (adhesive accelerants); automotive care products (engine degreasers, brake cleaners, refrigerant flushes); anti-adhesive agents (mould cleaning and release products); and functional fluids (closed/open systems)

The proposal allows for a transition period before these prohibitions take full effect, with phased deadlines for manufacturers, processors, and distributors. Specifically, the prohibitions will become effective in 6 months for manufacturers, 9 months for processors, 12 months for distribution to retailers, and 15 months for all other distributors (including retailers) after the final rule is published in the Federal Register.

EPA also proposes allowing certain occupational uses of 1-BP to continue if they comply with a Workplace Chemical Protection Program, which includes meeting an existing chemical exposure limit of 0.05 parts per million as an eight-hour time-weighted average.

Interested stakeholders are invited to submit their comments on the proposed rule by 23 September 2024.

Ban on aerosol duster products containing HFC-152a and/or HFC-134a (proposed rule)

Made available on 31 July 2024, the US Consumer Product Safety Commission has proposed a ban on aerosol duster products that contain more than 18 milligrams (mg) in any combination of HFC-152a (a.k.a. 1,1-difluoroethane; CAS No. 75-37-6) and/or HFC-134a (a.k.a. 1,1,1,2-tetrafluoroethane; CAS No. 811-97-2) under the Federal Hazardous Substances Act. This proposed rule aims to combat the significant number of deaths (over 1,000) and injuries (21,700) reported between 2012 and 2021, associated with the inhalation of these hazardous propellants used in aerosol duster products. The proposed rulemaking is open for public comment until 30 September 2024.

Certain aerosol propellants have been misused to elicit feelings of euphoria when inhaled, and both HFC-152a and HFC-134a have been linked to fatalities and serious injuries. The proposed rule would place a ban on aerosol duster products containing more than 18 mg of these substances and prevent the stockpiling of banned products leading up to the effective date of this rule.

There are no penalties associated with this rule at this time.

OCEANIA

Australia

New evaluations for fourteen substances per Section 78 of the Industrial Chemicals Act of 2019 (published)

The Australian Industrial Chemicals Introduction Scheme (AICIS) Executive Director has published fourteen evaluations on the human health and environmental risks associated with the use of certain chemicals listed on the Australian Inventory of Industrial Chemicals (AIIC). These evaluations are issued under Section 78 of the Industrial Chemicals Act 2019 and have been updated in the Rolling Action Plan. The draft versions of these evaluation statements were previously open for public consultation that closed on 27 May 2024.

The AIIC is a searchable database consisting of around 40,000 chemicals that are being manufactured or imported into Australia for industrial use. Chemical substances that are listed in the AIIC can be introduced by any registered introducers (manufacturer or importer). According to the Industrial Chemical 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 their introduction.

The evaluations cover a range of chemicals including water-soluble zinc salts, 2-ethylhexyl phosphates, acrylates and methacrylates based on bisphenol A (BPA), alkoxysilane ethylenediamine and polyamine derivatives, benzenesulfonic acid compound, methyl salicylate, cyanoacrylates, and several others. Some evaluations, like those for salicylic acid and its salts, and alkoxysilane ethylenediamine derivatives, required variations based on new hazard information. Recommendations include proposing to vary inventory terms, recommending classifications to regulatory bodies, and providing information for safe introduction and use.

There are no penalties associated with this update.

The Australian Industrial Chemical Introduction Scheme announces that registration for 2024-2025 is open (published)

The Australian Industrial Chemicals Introduction Scheme (AICIS) announced that registration for the 2024-2025 registration year is now open. The registration period runs from 1 September 2024 to 31 August 2025 and all individuals or entities planning to import or manufacture industrial chemicals for commercial purposes during this period must register. This requirement applies to sole traders, individuals, and those involved in manufacturing or importing containers or products that release industrial chemicals.

Under the Industrial Chemicals Act 2019, it is an offence to introduce an industrial chemical without an active registration. Registrants are advised to ensure that their contact and business details are up to date in the AICIS Business Services portal.

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This includes confirming the accuracy of business addresses, postal addresses, and trading names. Additionally, users are reminded that passwords expire every three months and should be reset if they have not signed in for a while.

Notably, registration level thresholds and associated fees have been adjusted for the 2024-2025 period. For those importing or manufacturing less than $15 million worth of industrial chemicals, charges will either remain the same or decrease. The revised registration levels reflect updated introduction value thresholds, impacting how much registrants will pay based on the value of chemicals imported or manufactured in the previous financial year (1 July 2023 - 30 June 2024).

The AICIS encourages all relevant parties to renew their registration promptly and provides tools such as a registration level calculator to assist in determining the appropriate fee level. Registrants who no longer plan to import or manufacture chemicals after 31 August 2024 are advised to inform AICIS to stop receiving renewal reminders.

One chemical added to the Australian Inventory of Industrial Chemicals (published)

On 29 July 2024, the Australian Industrial Chemicals Introduction Scheme (AICIS) announced the addition of a new industrial chemical to the Australian Inventory of Industrial Chemicals, following the issuance of an assessment certificate. The chemical, identified as .alpha.-D-glucan, (1→2),(1→6)-, 2-hydroxy-3-(trimethylammonio)propyl ether, chloride (CAS No. 2412833-99-7), was added in accordance with Section 83 of the Industrial Chemicals Act 2019.

The chemical has been thoroughly assessed for its intended uses and import conditions. Specifically, it is authorized for:

- import into Australia at up to 15 tonnes per annum
- use as a component in formulations containing up to 33.5% concentration for local reformulation into finished cosmetic products – these products, which include the assessed polymer, are permitted to have up to 2% concentration of the chemical and are intended for both consumer and professional use
- inclusion as a component in finished laundry products at up to 0.68% concentration – these products are restricted to consumer use only

Additionally, AICIS has corrected the names of several chemicals in the AICIS to align with the CAS nomenclature. These corrections, made under Section 85 of the Industrial Chemicals Act 2019, do not alter the identity of the substances but ensure consistency with international chemical naming standards. Detailed information on the corrected chemical names can be accessed through the AICIS chemical inventory.

New Zealand

Restrictions on methoxychlor, dechlorane plus, and UV-328 (proposal)

The New Zealand Environmental Protection Authority (EPA) is conducting a public consultation on a proposed amendment to the Hazardous Substances and New Organisms Act 1996 (HSNO Act) to restrict three newly listed persistent organic pollutants (POPs) under the Stockholm Convention: methoxychlor (CAS No. 72-43-5), dechlorane plus (CAS No. 13560-89-9), and UV-328 (CAS No. 25973-55-1). Comments were due on 4 September 2024. Methoxychlor, an insecticide, will have no exemptions, while dechlorane plus and UV-328 have specific exemptions for certain uses, including aerospace and motor vehicles, with some lasting until 2044. The amendments aim to align New Zealand's regulations with international obligations.

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The Stockholm Convention requires member countries to eliminate or restrict the use of these POPs that the Convention considers to be highly toxic and persistent in the environment. EPA's proposal includes updating Schedule 2A of the HSNO Act to incorporate these chemicals, with a focus on ensuring environmental and public health protection. EPA seeks feedback on the necessity and scope of potential exemptions for these chemicals in specific industries, such as aerospace and motor vehicles, where alternatives may not be immediately available.

After the consultation period ends, EPA will evaluate the feedback, publish a report, and seek New Zealand Cabinet approval to amend the HSNO Act accordingly. The amendments are expected to be implemented by 26 February 2025, in line with New Zealand's commitments under the Stockholm Convention.

SOUTH AMERICA

Brazil

New guidelines for reworking, revalidation, and reprocessing procedures of products and premixes of a chemical nature (in force)

On 27 June 2024, the Ministry of Agriculture and Livestock/Secretariat of Agricultural Defense (MAPA) published a notification to establish the guidelines for reworking, revalidation, and reprocessing procedures of formulated products, technical products, and premixes of a chemical nature.

On 27 December 2023, Brazil passed Law No. 14,785 dealing with the establishment and modification of rules for pesticides related to the research and experimentation on production, storage, commercialization, registration, control, and inspection of pesticides, environmental control products, and similar products. The law aims to improve the pesticide registration process by establishing specific deadlines and procedures for the analysis of registration requests related to new products intended for research and experimentation. Law No. 14,785 states under Article 38 that companies holding registrations, manufacturers, and formulators of pesticides, environmental control products, and similar products, technical products, and other ingredients, may adopt revalidation, rework, and reprocessing procedures. The new MAPA notification consists of guidelines for these procedures.

The notification lays down that formulated products, premixes, and technical products may be subjected to rework, within the validity period, if they present several listed features including a compromise of information, damages in packaging or damages to label or leaflet, or incorrect information. The following may be subject to revalidation:

- technical products with an expiry date or expired within a maximum of one year
- formulated products and premixes with an expiration date about to expire or expired within a maximum of two years and which maintain the registration specifications.

Non-compliance with the conditions established in this Ordinance may result in administrative, civil, and criminal liability in accordance with the provisions of Law No. 14,785 of 2023, its regulatory decree, and other relevant regulations. It is important to note that this ordinance does not apply to environmental control products covered by Law No. 14,785 of 2023. The ordinance entered into force immediately.

More information can be in Portuguese in the Official Gazette of the Union.

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DISCLAIMER