Newsletter

Global Environmental and Chemical Regulations, Policies, and Standards

June 2024
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IAEG

NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
June 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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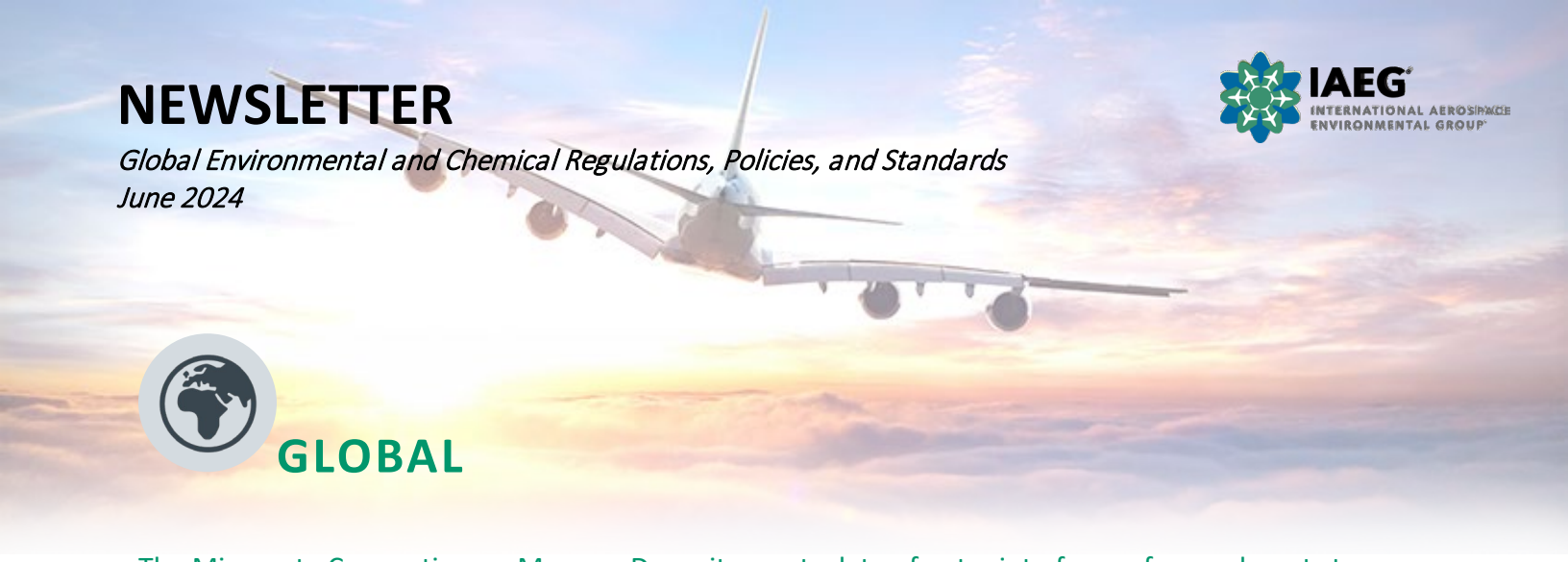

GLOBAL

The Minamata Convention on Mercury Depositary sets date of entry into force of amendments to Annexes A and B to Convention (announcement)

The Minamata Convention on Mercury Depositary has officially announced to the Parties the amendments to Annexes A and B adopted by the Conference of the Parties (COP) at its fifth meeting, held from 30 October to 3 November 2023. The Minamata Convention on Mercury is a multilateral environmental agreement addressing human activities contributing to mercury pollution.

In 2023, the COP decided to amend Annex A, expanding the list of mercury-added products to be phased out from 2025. This includes various types of batteries, compact fluorescent lamps, and other products. Additionally, Annex B of the Convention, which regulates the use of mercury in industrial processes, was amended to include the phase-out of the production of polyurethane using mercury-containing catalysts starting from 2025. This amendment highlights the feasibility of mercury-free alternatives for manufacturing processes listed in Annex B.

The Depositary has set the entry into force of these amendments to 25 April 2025. Parties to the Convention are required to implement these changes into their national legislation by this date to comply with the new regulations. Penalties are not mentioned in the update.

AFRICA

Egypt

Standard for safety requirements for bonded abrasive products (draft standards)

Egypt has proposed a draft standard for safety requirements for rotating bonded abrasive products to mitigate hazards associated with the design and application of these products. The standard aligns closely with EN 12413:2019, incorporating similar technical specifications, procedures for compliance verification, and mandatory safety information for users.

Notably, the draft excludes super abrasive and coated abrasive products, focusing instead on safety and quality requirements for bonded abrasive products. The proposed standard details the necessary measures for hazard elimination or reduction, ensuring user safety through comprehensive design and use guidelines. It also specifies the required tests and procedures manufacturers must follow to verify compliance.

While the adoption date, entry into force, and final comment deadline are yet to be determined, stakeholders will have a 60-day window for feedback upon notification.

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South Africa

Regulations relating to lead in paint or coating materials (draft law)

Published 17 May 2024 under the Hazardous Substances Act (15/1973), the South African Department of Health has declared lead in paint as a group II hazardous substance and released additional regulations regarding lead in paint or coating materials. The regulations apply to the manufacture, sale, distribution, import, and export of all paints or similar coating materials, and limit the quantity of total lead by weight to 0.009 % by weight based on the weight of the total non-volatile content.

Manufacturers and importers of affected products must issue a lead content standard compliance declaration certificate for the first batch or lot of paint before any commercial distribution or importation. The same must be done after any material change. The certificate must be submitted to inspectors and the Department of Health upon request, and it should be made available on their website. Labeling requirements are also provided, ensuring the labels include details of the manufacturer or importer, a statement of compliance, and other relevant details. The regulation also stipulates that affected products may only be imported through ports names in Annex C, and that non-compliant paints may not be manufactured, offered for sale, distributed, or imported.

The associated penalties for non-compliance are detailed in regulations 9(1) through 9(5) and include significant fines and potential imprisonment.

Regulations for implementing and enforcing priority area air quality management plans (consultation)

On 17 May 2024, the Minister of Forestry, Fisheries, and the Environment, under Sections 20, 56, and 57 of the National Environmental Management: Air Quality Act, 2004, gave notice of intention to publish the regulations for implementing and enforcing priority area air quality management plans. Comments were due on 16 June 2024. The regulations outline the requirements for implementing and enforcing approved priority area Air Quality Management Plans (AQMPs). They mandate the implementation of interventions and apply to all key stakeholders identified as significant contributors to poor air quality in the respective plans. The regulations include provisions for the reclamation of historical mine dumps and references to any special permissions related to emission standards that need to be considered.

ASIA

Japan

Online submission of notifications of new chemical substances under the Health and Safety Act (published)

The Japanese Ministry of Health, Labor, and Welfare has announced that the notification of new chemical substances under the Health and Safety Act will be carried out via an online submission starting on 1 July 2026. This comes after

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improvements to the digital infrastructure and will mean public announcement of new chemical substances will also be available online. The new online submission system will be available for use from 1 January 2025. In the event that an online submission may not be suitable, a hard copy will still be allowed. There are no penalties associated with this update.

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

Middle East

Update to the Gulf Cooperation Council regulation for The Global Harmonized System (draft)

The Ministry of Commerce & Industry and Investment Promotion has released an update (comments due on 20 July 2024) to the Gulf Cooperation Council (GCC)[1] draft regulation for the Global Harmonized System. This GSO[2] standard aims to ensure the safe production, transport, handling, use, and disposal of hazardous materials in line with GHS requirements:

- the criteria for classifying substances and mixtures in accordance to their health, environmental, and physical hazards
- the hazard communication elements, including requirements for safety data sheets and labels

No adoption date has been announced yet.

South Korea

Amendments to the Enforcement Decree of the Act on Registration and Evaluation of Chemical Substances (draft)

On 22 May 2024, the Ministry of Environment announced proposed amendments to the Enforcement Decree of the Act on Registration and Evaluation of Chemical Substances (the Act). This follows the partial revision of the Act (Act No. 20232) on 6 February 2024, which will be implemented on 7 August 2025. The amendments aim to reflect changes in the registration threshold for new chemical substances, now set at 1 ton annually instead of 100 kilograms, and to update the delegation of review and verification tasks to appropriate institutions.

The revised Act allows the Minister of Environment to review the adequacy of data submitted during the notification of new chemical substances. Responsibilities previously assigned to the Chemical Safety Agency for handling notifications and verifying chemical data will now be managed by the Korea Environmental Corporation in an effort to enhance the efficiency and effectiveness of these processes.

Furthermore, the procedures for correcting publicly disclosed information about chemicals are updated, with these tasks now delegated to the National Institute of Environmental Research, the Chemical Safety Agency, and the Korea Environmental Corporation. Support tasks for small and medium-sized enterprises related to high-priority chemical substances will also be transferred to the Korea Environmental Industry & Technology Institute or the Korea Environmental Corporation.

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

[1] GCC member countries are Saudi Arabia, the United Arab Emirates, Kuwait, Bahrain, Oman, Qatar, and Yemen.
[2] i.e., GCC Standardization Organization

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Singapore

Update on the effective date of the bans on dechlorane plus, methoxychlor, and UV-328 (published)

As part of its obligations as a party to the Stockholm Convention, Singapore and the Singapore National Environmental Agency have announced an update concerning the effective dates of the ban on the manufacture, import, and export of dechlorane plus (CAS No. 13560-89-9), methoxychlor (CAS No. 72-43-5), and UV-328 (CAS No. 25973-55-1). The announcement, published on 6 May 2024, sets the effective date for which the manufacture, import, and export of the three substances, as well as products containing these chemicals, will not be allowed in Singapore is revised to 26 Feb 2025. This replaces the previous deadline provided in the circular titled "Listing of Chemicals under the Rotterdam and Stockholm Conventions" of 12 May 2024. There are no penalties associated with this update.

EUROPE

European Union

Amendment to Annex III of Directive 2011/65/EU (RoHS Directive) (in force)

On 21 May 2024, the European Commission published an amendment to Annex III of Directive 2011/65/EU, commonly known as the RoHS Directive. This directive sets out rules on the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) to protect human health and the environment, promoting the environmentally sound recovery and disposal of waste EEE. Annex III enumerates specific applications exempted from the substance restrictions specified in Article 4(1).

The recent amendment updates Entry 39(a) and adds a new Entry 39(b), introducing exemptions for the use of cadmium (Cd) in quantum dots:

- Entry 39(a): Allows the use of cadmium selenide in downshifting cadmium-based semiconductor nanocrystal quantum dots for display lighting applications, with a concentration limit of less than 0.2 micrograms (µg) of Cd per square millimeter (mm^2) of display screen area; this exemption expires on 21 November 2025
- Entry 39(b): Permits cadmium in downshifting semiconductor nanocrystal quantum dots directly deposited on LED semiconductor chips for display and projection applications, with a concentration limit of less than 5 µg Cd per mm^2 of LED chip surface, and a maximum amount per device of 1 milligram; this exemption expires on 31 December 2027

Member States are required to adopt and publish the necessary laws, regulations, and administrative provisions to comply with this directive by 31 December 2024. These provisions will apply from 1 January 2025.

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Corrigendum to Regulation (EU) 2023/1542 concerning batteries and waste batteries (in force)

The European Union has published a Corrigendum for the Regulation (EU) 2023/1542 concerning batteries and waste batteries. Regulation (EU) 2023/1542, published in July 2023 and applicable from 18 February 2024, sets out rules on sustainability, safety, storage, labelling, marking and information to allow the placing on the market or putting into service of batteries, as well as minimum requirements for the extended producer responsibility, collection, and treatment of waste batteries and for reporting. The corrections are as follows:

- Article 1(6), excluding equipment specifically designed for the safety of nuclear installations from some of the regulations requirements, is corrected to: "Chapters III and IX of this Regulation do not apply to […]"
- Article 92, amending Article 8a(7) of Directive 2008/98/EC on waste, is corrected to: "For batteries, as defined in Article 3(1), point (1), of Regulation (EU) 2023/1542 of the European Parliament and of the Council [...]"

No penalties are included in this update.

Inclusion of methoxychlor in Regulation (EU) 2019/0121 on persistent organic pollutants (consultation)

The European Commission has initiated a consultation regarding the inclusion of methoxychlor (EC No. 200-779-9; CAS No. 72-43-5) in Regulation (EU) 2019/1021 on persistent organic pollutants. Comments were due on 27 June 2024. This Regulation enforces the EU's commitments under the Stockholm Convention on POPs. Following the decision to add methoxychlor to the Convention, this proposal aims to amend Annex I of Regulation (EU) 2019/1021, 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 certain exemptions.

The draft entry for methoxychlor specifically applies to any possible isomer of dimethoxydiphenyltrichloroethane or any combination thereof. An exemption has been included for concentrations of methoxychlor equal to or below 0.01 micrograms per kilogram. These concentrations will be considered as unintentional trace contaminants under Article 4 of the regulation, and thus exempt from the prohibition.

Harmonized classification of 1-Isopropyl-2,2-dimethyltrimethylene diisobutyrate and sulphamidic acid (proposals)

On 27 May 2024, Norway announced its intention to submit a proposal for the harmonized classification of 1-isopropyl-2,2-dimethyltrimethylene diisobutyrate (CAS No. 6846-50-0; EC No. 229-934-9). Similarly, on 9 January 2024, Austria announced its intention to submit a proposal for the harmonized classification of sulphamidic acid (EC No. 226-218-8; CAS No. 5329-14-6). The classification of substances under the classification, labeling, and packaging (CLP) regulation ensures consistent hazard communication and risk management across the European Union. For 1-isopropyl-2,2-dimethyltrimethylene diisobutyrate, the proposed classification is Repr. 1B, H360D, indicating reproductive toxicity. For sulphamidic acid, the proposal includes classifications for skin and eye irritation, reproductive toxicity, and aquatic hazards.

Once the dossiers have been submitted and the accordance check carried out, public consultations for these proposals will open. If the proposed classifications are approved, new requirements for labelling and packaging might apply to products.

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Restrictions for specific hexavalent chromium substances (consultation)

The European Chemicals Agency (ECHA) is preparing an Annex XV Restriction Dossier for specific hexavalent chromium (CrVI; EC No. 606-053-1; CAS No. 18540-29-9) substances listed in REACH Annex XIV, excluding lead chromates but including barium chromate (EC No. 233-660-5; CAS No. 10294-40-3). Following an initial call for evidence from December 2023 to February 2024, this second call aims to fill remaining information gaps and address additional elements identified during the first call.

Two separate surveys are being conducted to support the Restriction Dossier:

- Survey 2a is aimed at:
  - any company that did not respond to the first call for evidence; companies that responded to the first call are requested not to resubmit the same information to avoid duplication
  - users of CrVI substances in the transportation (maritime, rail, road, aviation), aerospace, and defense sectors
  - users of CrVI in electroplating, painting, spraying, brushing, slurry coating, and specialized surface treatments (e.g., chemical conversion coating, anodization, and passivation)
  - users of CrVI substances other than chromium trioxide and chromium acids, including barium chromate
- Survey 2b targets providers (e.g., manufacturers, formulators, suppliers, importers, distributors) of alternatives to CrVI substances and companies that have substituted or are in the process of substituting CrVI substances.

Interested parties, including private companies, sector associations, scientific organizations, non-government organizations, and Member State authorities are encouraged to participate. Submissions will be treated confidentially. Comments are due by 15 August 2024.

Restriction proposal on chromium (VI) to cover more substances (proposal)

The European Commission has issued an updated directive to the European Chemicals Agency (ECHA) to prepare a draft for a potential restriction on hexavalent chromium (CrVI) substances. This update supplements the initial request from September 2023, which focused on two entries currently on the REACH Authorization List: chromium trioxide (Entry 16) and chromic acids (Entry 17). Due to the expanded scope, ECHA will present the restriction proposal by 11 April 2025, instead of the original date of 4 October 2024.

The updated directive now includes the CrVI substances listed in Entries 16 to 22 and 28 to 31 of the REACH Authorization List. Additionally, ECHA has been asked to consider other CrVI substances not on the Authorization List, particularly barium chromate (EC No. 233-660-5; CAS No. 10294-40-3), in the restriction proposal. These substances could pose risks to workers and the public if used as replacements for CrVI substances subject to authorization.

ECHA will initiate a second call for evidence to support the proposal's preparation. The questions will cover various topics, such as alternatives to CrVI substances and the use of CrVI in spraying applications. Data provided by stakeholders during the first call for evidence will be considered and does not need to be resubmitted.

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F-gases: New certification requirements extended to organic Rankine cycles and refrigerated units in mobile equipment and initiatives on reporting and format of label (consultation)

The European Commission (EC) has published a draft act for the F-Gas Regulation (EU) 2024/573 to establish new certification requirements extended to organic Rankine cycles and refrigerated units in mobile equipment. Comments were due on 10 June 2024. The F-Gas Regulation (EU) 2024/573 establishes minimum requirements for the certification of natural and legal persons carrying out the activities referred to in Article 2 of the regulation, in relation to equipment such as stationary refrigeration, air conditioning and heat pump equipment, organic Rankine cycles, refrigeration units of refrigerated trucks and refrigerated trailers, refrigeration units of refrigerated light-duty vehicles, intermodal containers, and train wagons. The Regulation now adds alternatives such as hydrocarbons, ammonia, and CO_2 to the lists of substances covered.

Repealing and replacing the current implementing regulation is necessary to update the minimum certification requirements for the added equipment and allow mutual recognition of certificates among Member States.

In addition, the EC has opened two initiatives on reporting and labeling aiming to update some of the regulations affecting F-gases.

F-gas reporting

The EC is consulting on a draft law determining the format for submitting data reports under the revised European Union (EU) F-gas regulation (comments were due on 10 June 2024). The EC extended reporting obligations under the revised EU F-gas regulation, which entered into force on 11 March 2024. The draft establishes the format for the report that producers, importers, exporters, and certain users of fluorinated greenhouse gases must submit under new reporting obligations that come into effect this year. Reports must now cover fluorinated substances with significant global warming potential (i.e., GWP) and those likely to replace fluorinated greenhouse gas use. Required information includes a list of gases, equipment containing those gases, and activities related to them.

Format of the F-gas label

The EC is also consulting on a new draft regulation implementing labelling specifications for certain products and equipment containing or whose functioning relies upon fluorinated greenhouse gases (comment period ended on 4 June 2024). The new regulation will repeal Regulation (EU) 2015/2068. These specifications include the following provisions:

- to add information to an existing label, the font size shall not be smaller than the minimum size of other information on that label
- the entire label and its contents shall be designed to ensure that it remains securely in place on the product or equipment and shall be legible under normal operational conditions
- the label shall include the following text: “Contains fluorinated greenhouse gases”

These specifications are expected to enter into force on 1 January 2025.

Intention to list perfluamine as a substance of very high concern under REACH (consultation)

Belgium has submitted an intention to list perfluamine (EC No. 206-420-2; CAS No. 338-83-0) as a substance of very high concern (SVHC) under REACH. Submitted on 29 February 2024, the submission falls under the scope of Article 57e of REACH, concerning very persistent and very bio-accumulative (vPvB). The expected date for the submission of the SVHC dossier is set for 1 August 2024. Comments were due 45 days after the submittal date.

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Perfluamine is registered under REACH and is manufactured/imported in the European Union in quantities between 1,000 and 10,000 tonnes per year. The substance sees widespread uses and applications by professional workers, and is present in formulation, re-packing, and industrial processes.

If identified as a SVHC, perfluamine will be listed in the Candidate List and immediate obligations for suppliers of the substance will enter into effect, including, but not limited to:

- supplying a safety data sheet
- responding to consumer requests within 45 days
- notifying the European Chemicals Agency if articles they produce contain SVHCs above certain thresholds

There are no penalties associated with this update.

Draft regulation to implement the Carbon Offsetting and Reduction Scheme for International Aviation – rules for calculating offsetting requirements (consultation)

The European Commission (EC) has published a draft regulation implementing the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) under the International Civil Aviation Organization (ICAO). This regulation applies to aircraft operators who meet the criteria outlined in Article 12(6), third and fourth subparagraphs of Directive 2003/87/EC. Comments were due on 13 June 2024.

Definitions and Key Elements
Article 2 of the draft act provides relevant definitions, including those regarding the Sector's Growth Factor (SGF) to ensure that offsetting requirements scale over time.

Yearly CO_2 Offsetting Requirements
Article 2 outlines the calculation of yearly CO_2 offsetting requirements, considering the SGF. These requirements will not apply to new entrant aircraft operators for three years from the year they qualify as an aircraft operator or until their annual CO_2 emissions exceed 0.1 percent of total CO_2 emissions from international flights reported by ICAO in 2019, whichever occurs first.

Final CO2 Offsetting Requirements
Article 3 specifies the final CO_2 offsetting requirements for a given period, incorporating reductions achieved through the use of CORSIA-eligible fuels.

Exemptions
CO_2 emissions from the following types of flights shall not be considered:

- state flights
- humanitarian flights
- medical flights
- military flights
- firefighting flights
- flights preceding or following a humanitarian, medical, or firefighting flight

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Romania

Amendment to Emergency Ordinance no. 5/2015 on electrical and electronic equipment waste (in force)

Romania has amended its Emergency Ordinance No. 5/2015 on waste electrical and electronic equipment (WEEE), aligning it with the European Union (EU) Directive 2012/19/EU on WEEE. The directive aims to prevent WEEE creation, promote reuse, recycling, and recovery methods, and support efficient resource use and secondary raw material recovery. The amendment incorporates updates from EU legislation on waste, particularly Directive 2008/98/EC, transposed by Emergency Ordinance no. 92 of August 19, 2021, and Law no. 17 of January 6, 2023.

The main addition is the establishment of extended producer responsibility for EEE producers, detailing obligations for individual compliance and specialized collective organizations. The update does not mention penalties.

More information can be found in Romanian in the Legislative Portal.

United Kingdom

Exploring revisions to chemical regulations (announced)

In line with the government's "Smarter Regulation" initiative, the Health and Safety Executive (HSE) is exploring ways to utilize the authority granted by the Retained European Union (EU) Law (Revocation and Reform) Act 2023 to revise its chemical regulations. The affected regulations include:

- Great Britain (GB) Classification, Labelling, and Packaging of substances and mixtures
- GB Biocidal Products Regulation
- GB Prior Informed Consent for the export and import of certain hazardous chemicals

These regulations are examples of EU legislation that was directly adopted and modified into GB law after the EU Exit, now referred to as assimilated law. The Retained EU Law (Revocation and Reform) Act 2023 introduced the authority to modify assimilated law. These powers will expire in June 2026, so any reforms must be completed by then.

The potential revisions aim to:

- optimize policies to better benefit the British chemicals industry
- create a regulatory system better suited to GB's needs
- reduce the regulatory burden to both duty holders and HSE as the regulator

The HSE will be working with a network of stakeholders throughout 2024 to identify opportunities to reform these regulations and assess the potential impact of those changes. They urge duty holders, or their representatives, or other non-governmental organizations to contact chemicals.reform@hse.gov.uk if interested in this project.

More information can be found here.

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Responses to consultation on amendments to the Persistent Organic Pollutants Regulation (notice)

The United Kingdom has published its response to the consultation on amendments to the Persistent Organic Pollutants (POPs) Regulation. This consultation, held between March and April 2023, sought feedback on proposed updates to the regulation. Key changes include the addition of new substances to the list of regulated POPs, enhanced control measures for existing POPs, and alignment with international obligations. The response document provides a detailed summary of stakeholder feedback and outlines the government's planned regulatory adjustments to improve environmental and public health protections against POPs.

NORTH AMERICA

Canada

Final decision after risk assessment of piperazine (published)

After assessing the substance piperazine (CAS No. 110-85-0) under the Canadian Environmental Protection Act, 1999 (CEPA), the Minister of the Environment and the Minister of Health have proposed not to take any further action on this substance. Piperazine is used in various applications, including paints, coatings, and as a chemical intermediate in industrial environments, such as carbon capture and storage systems. It is also a component in epoxy adhesives.

The ecological risk of piperazine was assessed using the ecological risk classification of organic substances and found to pose minimal ecological harm. The conclusion was that piperazine does not meet the criteria under paragraph 64(a) or (b) of CEPA, as it does not, or may not, cause immediate or long-term harmful impacts on the environment or its biological diversity, nor does it pose a threat to the environment on which life depends.

Although piperazine is listed on the Domestic Substances List (DSL), and its import and manufacture in Canada are not subject to notification under the New Substances Notification Regulations (Chemicals and Polymers) under subsection 81(1) of CEPA, it is believed to have human health effects of concern. Consequently, there is a possibility that new activities that have not been identified or assessed could lead to this substance meeting the criteria set out in section 64 of CEPA. Therefore, Canada plans to amend the DSL, under subsection 87(3) of the Act, to indicate that the significant new activity (SNAc) provisions under subsection 81(3) of the Act apply to this piperazine.

A SNAc can be an activity that has not been conducted with the substance before, or an existing activity with a different quantity or in different circumstances that could change the exposure pattern of the substance. The SNAc provisions require a person (individual or corporation) to provide information about a substance when proposing to use it in a significant new activity. The ministers will assess the information provided by the notifier, along with other available information, to determine whether the substance, if used in the proposed new activity, could pose a risk to the environment or human health, and, if so, whether risk management is needed.

More information can be found in the Canada Gazette.

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Results of assessment of forty-three hydrocarbon-based substances specified on the Domestic Substances List (published)

On 20 April 2024, the Canadian Department of the Environment and the Department of Health announced the results of assessment of 43 hydrocarbon-based substances listed on the Domestic Substances List (DSL). The DSL is an inventory of substances manufactured in or imported into Canada on a commercial scale that is amended, on average, twelve times per year to add, update, or delete substances. Substances not appearing on the DSL are considered to be new to Canada and are subject to notification.

A comprehensive assessment concluded that eight specifically listed hydrocarbon-based substances (see Annex I of the announcement) are not toxic or harmful under Section 64 of the Canadian Environmental Protection Act, 1999 (CEPA). This means they pose no significant risk to the environment or human health in Canada.

The report also addressed 35 additional substances (see Annex II of the announcement) for which risk assessments were previously conducted under CEPA. Since these substances are not expected to cause significant health or environmental concerns beyond those already identified in past assessments of similar substances, they will not undergo further evaluation. Existing or future risk management measures associated with the previous assessments are considered sufficient.

Based on the assessment, no further action will be taken on any of the 43 hydrocarbon-based substances under Section 77 of CEPA. They are not considered a threat to the environment or human health in Canada.

Penalties are not mentioned in the update.

Designation of 264 reduced regulatory requirement polymers as low concern in the Domestic Substances List (consultation)

The Canadian Minister for the Environment has published a notice of intent to amend the Domestic Substances List, adding the letter “P” to the identifiers of 264 reduced regulatory requirement polymers. The letter "P" signifies that these polymers have met criteria indicating they are of low concern and thus benefit from fewer regulatory requirements.

Any interested person may provide comments on the proposed amendment before 8 September 2024, 120 days from the date of publication. The polymers which would be affected by this change are listed in the annex of the notice. There are no penalties associated with this update.

United States

Amendments to the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants (published)

On 16 May 2024, the United States Environmental Protection Agency (EPA) issued final amendments to the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants (i.e., NESHAP) that apply to the Synthetic Organic Chemical Manufacturing Industry and the Group I & II Polymers and Resins industries. These updates aim to enhance control over hazardous emissions based on the latest technological advancements and risk assessments. The rule took effect on 15 July 2024.

The amendments focus on several key areas. For equipment leaks, new standards have been introduced for controlling volatile organic compounds (VOCs), ethylene oxide (EtO), and chloroprene emissions. Additionally, fence line monitoring for specific hazardous air pollutants (HAPs) such as benzene and 1,3-butadiene is now required to ensure better tracking and mitigation of emissions at the facility boundaries.

The rule also eliminates exemptions for emissions during startup, shutdown, and malfunction periods, requiring continuous compliance. New work practice standards have been established for maintenance and operational periods to ensure emissions are controlled effectively even during non-standard operations.

Heat exchange systems now have stricter requirements for detecting and repairing leaks, particularly for systems handling EtO, with increased monitoring frequency from quarterly to weekly. For process vents, the amendments remove the Total Resource Effectiveness concept and introduce new emission limits for dioxins, furans, and EtO, setting more stringent control measures.

Storage vessels, especially those in EtO service, are subject to tighter control requirements, including rigorous performance testing and degassing procedures. New definitions and performance criteria for pressure vessels have also been introduced to ensure comprehensive regulation.

For wastewater streams, the updated criteria now include identifying Group 1 wastewater streams based on EtO concentration, with prohibitions on certain disposal methods for wastewater containing EtO. Additionally, facilities are required to monitor their fence line for specific hazardous air pollutants and conduct root cause analysis if action levels are exceeded.

Economically, EPA estimated that the implementation of these amendments would incur total capital costs of $522 million and annualized costs of $194 million. However, EPA believes that the health benefits, including significant reductions in cancer risk and other health impacts due to decreased emissions of HAPs and VOCs, justify these expenses. EPA estimated the monetized health benefits from reduced VOC emissions alone are between $53 million and $690 million.

The rule sets clear compliance dates for the various amendments, with electronic reporting required for performance test reports and periodic updates, streamlining the compliance tracking process. Petitions for judicial review must be filed in the United States Court of Appeals for the District of Columbia Circuit by 15 July 2024, with administrative reconsideration available for objections raised post-comment period.

Penalties are not mentioned in the update.

New rule to enhance EPA's procedures for performing risk evaluations on chemicals under the Toxic Substances Control Act (published)

The U.S. Environmental Protection Agency (EPA) has established a new rule to enhance its procedure for performing risk evaluations on chemicals under the Toxic Substances Control Act (TSCA). The modifications are aimed at promoting the objectives of chemical law by ensuring that comprehensive risk evaluations consider all potential hazards associated with a chemical. The rule also incorporates measures to boost environmental protections in communities burdened by pollution, aligning with the Biden-Harris Administration's environmental justice agenda. Several modifications have been made in the EPA's final rule to refine the process for TSCA risk evaluations, which include:

- consideration of real-world exposure scenarios such as multiple exposure pathways (e.g., in air and water) to the same chemical, and combined risks from multiple chemicals when EPA has the scientific information to do so,

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which may be particularly important for communities who face greater exposures or susceptibilities to chemicals than the rest of the general population
- a requirement that risk evaluations are comprehensive in scope and do not exclude conditions of use or exposure pathways
- clarifications to ensure EPA appropriately considers risks to all workers in its risk evaluations
- consideration of chemical uses that may be required for national security or critical infrastructure by other federal agencies
- assurance that EPA will continue to use the best available science to conduct risk evaluations, that decisions are based on the weight of the scientific evidence and that risk evaluations will be peer reviewed in accordance with both federal and EPA guidance
- discussion of chemical-specific fit-for-purpose approaches that allow for varying types and levels of analysis so that risk evaluations focus less rigorously on the conditions of use that are expected to pose low potential risk and can reliably be completed within the timeframes required by the statute
- a clear requirement for risk evaluations to culminate in a single risk determination on the chemical substance, rather than on individual chemical conditions of use in isolation, and improved communications regarding the uses that significantly contribute to the unreasonable risk
- new procedures and criteria for whether and how EPA will revise scope and risk evaluation documents, to improve transparency
- adjustments to the process for submission and review of manufacturer requests for risk evaluations of chemicals to better align with the process and timeline associated with EPA-initiated risk evaluations, while also ensuring that EPA can use the authorities provided under the law for gathering any needed additional information on such chemicals
- a requirement that risk evaluations must explicitly consider overburdened communities when identifying potentially exposed and susceptible populations as relevant to the risk evaluation

The protocols detailed in the rule apply to all risk evaluations initiated 30 days following the publication date of the final rule or later.

Correction to final rule that added diisononyl phthalate as a category to the list of chemicals requiring reporting under the Emergency Planning and Community Right-to-Know Act (published)

The US Environmental Protection Agency (EPA) is correcting a final rule published on 14 July 2023, which added diisononyl phthalates (DINP; CAS No. 28553-12-0) as a category to the list of toxic chemicals requiring reporting under the Emergency Planning and Community Right-to-Know Act and the Pollution Prevention Act. Due to an error in the amendatory instruction, the amendment was not properly integrated into the regulation. This correction addresses that issue

The EPA intended to alphabetically add the DINP category to the list of TRI chemical categories at 40 CFR 372.65(c). However, the list at that time was a static image, which caused formatting issues when updating the regulation as per the amendatory instructions. The EPA did not provide an updated image of the table. This correction rectifies the formatting in Table 3 of paragraph (c) by replacing the static image with a table containing both text and images of chemical structures.

Designation of perfluorooctanoic acid and perfluorooctanesulfonic acid as hazardous substances (published)

The US Environmental Protection Agency (EPA) has designated two PFAS, perfluorooctanoic acid (PFOA, CAS No. 335-67-1) and perfluorooctanesulfonic acid (PFOS, CAS No. 1763-23-1), including their salts and structural isomers, as hazardous

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substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Substances designated under CERCLA are subject to reporting requirements in the event of releases of such substances. Any entity that releases a pound or more of PFOS, PFOA, or their salts or structural isomers in any 24-hour period must report those releases to the National Response Centre. Additionally, under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), facility owners or operators must immediately notify their community emergency coordinator for the local emergency planning committee for any areas likely to be impacted by the release.

The decision by the EPA came after multiple evaluations of the available scientific and technical information and became effective on 8 July 2024. Affected parties should ensure they are compliant with the CERCLA listing of PFOS and PFOA in order to avoid associated penalties under CERCLA and related regulations.

Final rule to restrict use of methylene chloride (published)

On 8 May 2024, the Environmental Protection Agency (EPA) finalized a rule to address the health risks posed by methylene chloride (CAS No. 75-09-2) under its current usage conditions. The Toxic Substances Control Act (TSCA) mandates that the EPA must create rules to address any unreasonable health or environmental risks identified in a TSCA risk evaluation and impose necessary requirements to ensure the chemical no longer poses such risks.

As detailed in the proposed rule from May 2023 (88 FR 28284, May 3, 2023) (FRL-8155-02-OCSPP), methylene chloride is highly toxic, a neurotoxin, and a carcinogen. This final rule aims to address the significant health risks identified in the EPA's 2020 Risk Evaluation for methylene chloride and the 2022 Revised Unreasonable Risk Determination.

The EPA's final rule restricts consumer, industrial, and commercial access to methylene chloride, allowing a transition period for phasing out its use, granting temporary exemptions for essential uses without safer alternatives. This rule affects anyone involved in the manufacturing, processing, distributing, using, or disposing of methylene chloride or products containing it. This includes importers, as defined by TSCA. The rule provides a list of relevant North American Industrial Classification System codes to help determine applicability. This rule also impacts entities subject to pre-existing import and export certification and notification requirements under TSCA. Importers of chemical substances, mixtures, or articles must certify compliance with TSCA regulations, while exporters of methylene chloride must adhere to TSCA's export notification requirements.

This final rule became effective on 8 July 2024. There are no penalties associated with this update.

EPA launches new website to provide information on federal environmental permitting (published)

On 2 April 2024, the U.S. Environmental Protection Agency introduced a new website, which serves as a centralized online platform providing information about federal environmental permitting. This website aims to provide updates on projects subject to FAST-41 regulations that require EPA permits. FAST-41 seeks to improve the efficiency and transparency of federal environmental review processes for infrastructure projects. EPA's involvement includes regularly updating the website with relevant permitting information and participating in the Federal Permitting Improvement Steering Council.

The new website highlights EPA's permitting and environmental review programs, featuring details on associated laws and environmental justice initiatives. It specifically focuses on displaying the status of EPA permits for large-scale infrastructure projects governed by Title 41 of the FAST-41 Act. This website serves as a resource for the public, permit applicants, and federal agency partners involved in these permitting processes.

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The new website offers information on EPA's permitting programs, state delegations of authority, and associated requirements like consultations under environmental laws. It also provides public reports and resources concerning environmental justice and civil rights in permitting. Specific focus is given to FAST-41, explaining the EPA's roles, and displaying the status of EPA permits required for FAST-41 projects. Additionally, the website covers details on funding allocated to the EPA under the Inflation Reduction Act to improve permitting efficiencies.

Final rule to control non-volatile particulate matter from aircraft engines (consultation)

On 24 April 2024, the Federal Aviation Administration (FAA) published a final rule titled "Control of Non-Volatile Particulate Matter from Aircraft Engines: Emission Standards and Test Procedures" (89 FR 31078). This rule aligns with standards set by the Environmental Protection Agency (EPA) to establish new regulations for measuring and controlling non-volatile particulate matter (nvPM) emissions from subsonic turbofan aircraft engines with a rated thrust exceeding 26.7 kiloNewtons.

The rule introduces stricter nvPM mass and number standards, replacing the older smoke number metric. This change aims to enhance the precision and relevance of particulate matter emissions measurements from aircraft engines. Manufacturers of engines type certificated between 1 January 2023 and the effective date (24 May 2024) have a grace period until 22 August 2024, to comply with the new standards.

On 7 May 2024, the FAA issued a correction to the initial rule to address omissions and errors:

- manufacturers are granted a 90-day compliance period after the effective date to meet the new requirements
- regulatory text amendments were made to ensure accurate implementation regarding compliance deadlines and specific requirements

The FAA's rule aligns U.S. regulations with the International Civil Aviation Organization guidelines, promoting global consistency in aviation emissions regulations. Comments on this rule were due on 24 June 2024.

Draft risk assessments on di-isodecyl phthalate and di-isononyl phthalate (consultation)

The U.S. Environmental Protection Agency (EPA) is seeking public comments on draft risk evaluations for di-isodecyl phthalate (DIDP; CAS No. 26761-40-0) and di-isononyl phthalate (DINP; CAS Nos. 28553-12-0 and 68515-48-0) under the Toxic Substances Control Act (TSCA) and will submit these documents to the Science Advisory Committee on Chemicals (SACC) for peer review. The SACC scheduled virtual public meetings on 23 July 2024 to discuss draft charge questions and a period from 30 July to 2 August 2024 to review the draft documents and public comments. The SACC provides EPA with expert advice on risk assessments and pollution prevention for chemicals under TSCA. Comprising of eighteen members with diverse scientific expertise, the committee may also engage ad hoc reviewers for specific topics.

This action is aimed at the general public, especially those involved in the lifecycle of the chemical substance in question or interested in risk assessments under TSCA. This includes manufacturers, processors, distributors, disposers, at-risk communities, non-government organizations, and government officials. Other potentially interested entities are not specifically listed. Comments were due on 19 July 2024.

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OCEANIA

New Zealand

Reduction of lead levels in paints (proposal)

The New Zealand Environmental Protection Agency has published a summary of submissions on their proposed amendments to group standards aimed at reducing the maximum allowable level of lead in paint. The summary report follows a consultation in which most of the twenty-four submissions were supportive of the proposal.

The proposed amendments will lower the permissible amount of lead in paint and other graphic materials, particularly those used by children. The group standards proposed for amendment are:

- surface coatings and colorants
- aerosols
- corrosion inhibitors
- graphic materials

Details of the proposed amendments, including limiting lead in paints covered by the "surface coatings and colorants" group standard and "aerosols" group standards to 90 parts per million, and introducing lead limits to the "corrosion inhibitors" group standard, can be found in the link above. There are no penalties associated with this update.

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