Newsletter

Global Environmental and Chemical Regulations, Policies, and Standards

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IAEG

NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
October 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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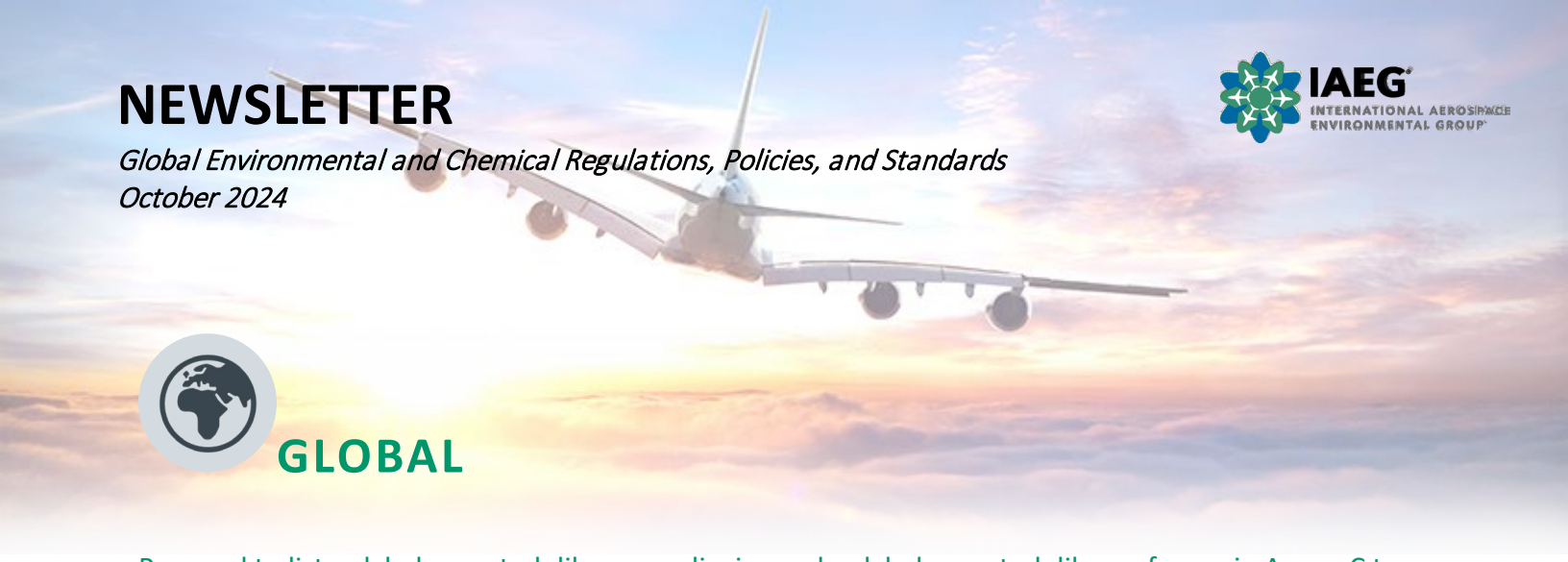

GLOBAL

Proposal to list polyhalogenated dibenzo-p-dioxins and polyhalogenated dibenzofurans in Annex C to the Stockholm Convention on Persistent Organic Pollutants (published)

Switzerland has submitted a proposal to list polyhalogenated dibenzo-p-dioxins (PXDDs) and polybrominated dibenzofurans (PXDFs) in Annex C of the Stockholm Convention on Persistent Organic Pollutants. The Stockholm Convention requires parties to take measures to reduce the unintentional releases of listed chemicals with the goal of minimizing and, where feasible, eliminating these releases. Substances listed under Annex C require specific measures to control their unintentional production.

The scope of this proposal includes:

- polybrominated dibenzo-p-dioxins
- polybrominated dibenzofurans
- mixed polybrominated/chlorinated dibenzo-p-dioxins
- mixed polybrominated/chlorinated dibenzofurans[1]

PXDDs and PXDFs can be formed unintentionally in thermal processes when materials are heated or burned, particularly in the presence of brominated flame retardants (BFRs) or other brominated and chlorinated aromatics. The three dominant sources of PXDDs and PXDFs emissions to the environment are:

- commercial polybrominated diphenyl ether (PBDE) mixtures
- photolytic and thermal degradation of BFRs
- unintentional production in industrial thermal processes

These substances have been detected in various environmental and biological media, including air, soil, sediments, wastewater, sludge, fly ash, animal and plant species, food and feed, indoor dust, and humans. Elevated levels of PXDDs and PXDFs have been found in consumer products, such as children's plastic toys made with recycled materials containing BFRs.

The proposal concludes that based on available data, PXDDs and PXDFs meet the screening criteria for persistence, bioaccumulation, long-range environmental transport, and adverse effects, as outlined in Annex D of the Stockholm Convention. Due to their persistent organic pollutant properties and risks associated with their widespread formation and occurrence, the proposal calls for international action to control further releases of PXDDs and PXDFs.

Proposed actions for the Stockholm Conventions Review Committee include:

- decide whether Article 8 requirements and Annex D screening criteria are met
- develop a work plan for preparing a draft risk profile
- release the draft risk profile to gather technical comments from all parties

[1] Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans are excluded from this proposal as they are already listed in Annex C.

The Persistent Organic Pollutants Review Committee comments on the indicative lists of perfluorooctanoic acid, its salts, and related compounds and perfluorohexane sulfonic acid (PFHxS), its salts, and related compounds (published)

In the twentieth meeting of the Persistent Organic Pollutants Review Committee (POPRC) held from 23 to 27 September 2024, the POPRC provided comments on the indicative lists of perfluorooctanoic acid (PFOA; CAS No. 335-67-1), its salts, and PFOA-related compounds, and perfluorohexane sulfonic acid (PFHxS; CAS No. 355-46-4), its salts, and PFHxS-related compounds. The indicative lists come after it was decided to amend Annex A to the Convention on POPs to list PFOA, its salts and PFOA-related compounds, and PFHxS, its salts and PFHxS-related compounds in the previous ninth and tenth meetings. The full updated lists of substances for both PFOA and PFHxS can be found in the excel spreadsheets attached to the relevant notices, and contain both the substances covered as well as their chemical information such as structural information, as well as the substances not covered.

Once a substance is listed in Annex A, parties must take measures to eliminate the production and use of the chemicals, though specific exemptions for use or production are listed in the Annex and apply only to Parties that register for them.

AFRICA

South Africa

Regulation to implement requirements of the Rotterdam Convention for certain hazardous chemicals and pesticides in international trade (published)

On 7 October 2024, the Minister of Forestry, Fisheries, and the Environment published a regulation to implement the requirements of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in international trade. The regulation aims to implement certain provisions of the Rotterdam Convention for certain hazardous chemicals and pesticides in international trade, outline the prior informed consent procedure for chemicals listed in Annex I, promote shared responsibility and cooperative efforts in the international movement of chemicals and contribute to the environmentally sound use of chemicals.

The regulation presents several definitions. It applies to the banned or severely restricted chemicals listed in Annex I. The regulation does not apply to several substances as listed under Article 2(1) such as radioactive materials and substances as regulated by the Hazardous Substances Act, chemicals to be exported or imported that does not exceed ten kilograms per calendar year, per country, per chemical.

The regulation prohibits the import or export of chemicals listed in Annex I into or from South Africa, without obtaining consent in terms of this regulation before importation or exportation. Chapter 3 states the process of notification of import and export of chemicals including the decision-making process. Exporters and importers of chemicals in Annex I must keep a record of their imported and exported chemicals according to information requirements stated under Chapter 4. The list of chemicals in Annex I will be reviewed at least every two years having regard to developments under the Rotterdam Convention.

Non-compliance to the provision of this regulation is equal to committing an offence which is liable to a fine not less than 5 million Rand or five years imprisonment and can be up to 10 million Rand or ten years imprisonment or both depending on the case.

ASIA

India

Amendments to the Polyurethanes and p-Xylene Quality Control Orders, 2024 and the Ethylene Vinyl Acetate Copolymers Quality Control Orders, 2024 (published)

On 23 September 2024 and 1 October 2024, the Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) published amendments to the quality control orders (QCOs) of polyurethanes, p-xylene, and ethylene vinyl acetate (EVA) copolymers. These amendments were issued under the Bureau of Indian Standards Act, 2016 (11 of 2016), following consultations with the Bureau of Indian Standards (BIS).

The Polyurethanes (Quality Control) Second Amendment Order, 2024 amends the original Polyurethanes (Quality Control) Order, 2021, by revising the date the order will come into force to 19 March 2025. Similarly, the p-Xylene (Quality Control) Second Amendment Order, 2024 updates the original p-Xylene (Quality Control) Order, 2021, specifying that it will now come into force on 19 March 2025. The Ethylene Vinyl Acetate Copolymers (Quality Control) Second Amendment Order, 2024 modifies the original Ethylene Vinyl Acetate Copolymers (Quality Control) Order, 2022, setting the date of coming into force as 3 October 2025.

QCOs are issued pursuant to Section 16 of the BIS Act, 2016 to announce that relevant standards prescribed by the BIS concerning certain products will be mandatory effective from the date specified in the QCO. QCOs apply to products/articles (objects whose function is determined by their shape, surface, or design to a greater degree than their chemical composition). These orders require anyone handling the products/articles, including companies manufacturing or importing and downstream users, to comply with the requirements set out in the QCOs or face a ban. The requirements may be included from Indian Standards (IS) covered by the QCO such as handling, packaging, and marking requirements as well as sampling methods and tests for substances contained in products/articles. By the issuance of QCOs, the use of a standard mark under a license or a certificate of conformity from BIS is mandated.

Non-compliance with QCOs may result in penalties under the BIS Act, including fines of up to 5 lakh rupees.

Viscose Rayon Cut Staple Spun Yarn (Quality Control) Order, 2024 (draft)

On 26 September 2024, the Ministry of Textiles published the draft Viscose Rayon Cut Staple Spun Yarn (Quality Control) Order, 2024 (the draft Order) via the World Trade Organization (WTO) website. The draft Order is issued under the authority of the Bureau of Indian Standards Act, 2016 and aims to ensure that Viscose Spun Yarn conforms to the Indian Standard IS 3566:2023. It is issued following consultation with the Bureau of Indian Standards (BIS).

The draft Order requires that viscose spun yarn bear the standard mark under a license from the BISs, as per Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018. The BIS is designated as the certifying and enforcing authority for the product. The draft Order will come into force from a date specified in the final publication and applies to the product mentioned, except those intended for export that conform to the specifications required by foreign buyers. The latest version of the applicable Indian Standard will apply from its date of publication.

Any person who contravenes the provisions of this draft Order will be subject to penalties as per the BIS Act, 2016. Stakeholders may submit comments on the draft Order until 25 November 2024.

New liquid waste management rules (draft)

On 7 October 2024, the Indian Ministry of Environment, Forest, and Climate Change published the Draft Liquid Waste Management Rules 2024 that are set to transform how India handles wastewater and sludge while ensuring sustainable and environmentally sound practices. The rules apply to all urban and rural local bodies, as well as public and private establishments and any entity generating liquid waste. These include, but are not limited to, industries, public facilities, and households. Furthermore, the rules ensure that every entity involved in the production or management of liquid waste diligently follows the prescribed guidelines.

The rules outline duties for all wastewater generators. Most importantly, the key among these is the responsibility to treat wastewater appropriately before discharge. Additionally, bulk users, such as industries or large institutions, must register and comply with the extended user responsibility obligations for wastewater reuse. The rules will come into force on 1 October 2025.

Israel

Amendment to the Hazardous Substances Regulations (Implementation of the Montreal Protocol Regarding Ozone-Depleting Substances) (consultation)

On 30 September 2024, the Ministry of Environmental Protection published a draft amendment to the Hazardous Substances Regulations (Implementation of the Montreal Protocol Regarding Ozone-Depleting Substances). Comments were due on 21 October 2024. This draft amendment aligns Israel's regulations with the Kigali Amendment that focuses on reducing the use of hydrofluorocarbons (HFCs), greenhouse gases contributing to climate change.

The original regulations, initially established in 2004, were amended in 2020 to set provisions for the gradual reduction of HFCs in Israel to comply with international obligations. The first reduction level, a 10% decrease in HFC use, was implemented in July 2022 through import quotas managed by the Ministry of Economy and Industry.

On 2 November 2023, the regulations were further amended to postpone the second reduction step (a 40% reduction in HFC use) from 1 January 2024 to 1 January 2025. Additionally, this amendment introduced flexibility: if a law regulating refrigeration and air conditioning systems is passed by the end of 2024, the reduction target for 2025 will be adjusted from 40% to 15%, with additional reduction steps implemented from 2026 to 2028. These steps aim for a more gradual achievement of the Kigali Amendment's 2029 target, which mandates a 70% reduction in HFC use from the base year.

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Due to delays in the legislative process for the law governing refrigeration and air conditioning systems, this draft amendment also proposes to anchor the reduction levels approved in November 2023 without requiring the law's approval. This ensures continued preparation for the importation of alternative materials while maintaining public health and safety.

More information can be found here in Hebrew.

Japan

Requirement to submit reports on designated substances under the Chemical Weapons Prohibition Act (published)

The Ministry of Economy, Trade, and Industry (METI) issued a notice (can be found here in Japanese) under the Chemical Weapons Prohibition Act, requiring relevant enterprises to submit reports by 30 September 2024 on the estimated production, extraction, refining, and use of designated substances for 2025. Businesses that manufacture or use designated substances must submit a notification if the quantities exceed specified thresholds. The notification must include planned quantities for Class 1 and Class 2 designated substances. In addition, businesses that exceeded thresholds during the 2021–2023 reporting period are also required to submit reports. The deadline for submission was 30 September 2024.

The regulation also includes requirements for submitting English-language declaration documents for international reporting to the Organization for the Prohibition of Chemical Weapons (OPCW). Failure to comply may result in inspections by the OPCW, which may be conducted on short notice.

Notifications should be submitted electronically via e-Gov, although postal submissions are allowed if electronic submission is technically not feasible. If actual production or use exceeds planned quantities, businesses must submit a change notification at least 30 days before the excess occurs.

In addition to the above, manufacturers, importers, retailers, and distributors should:

- review the designated substances and their thresholds
- prepare and submit the notification of planned quantities by 30 September 2024
- ensure that all required documents, including English-language declarations, are complete and accurate
- stay informed about the requirements and updates from the Ministry of Economy, Trade, and Industry's Chemical Weapons Prohibition Measures website

Penalties are not mentioned in the update.

Additional information can be found in Japanese in this notification from METI.

Singapore

Amendment to control measures for electronic (announced)

On 10 September 2024, Singapore notified the World Trade Organization of its proposal to amend the control measures for electronic waste (e-waste) under the Hazardous Waste (Control of Export, Import, and Transit) Act. This amendment aligns Singapore's regulations with the Basel Convention, an international treaty that regulates the transboundary movement of hazardous waste and aims to protect human health and the environment from improper waste management practices.

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The proposed changes apply to waste electrical and electronic equipment (HS Code 85.49) and distinguish between waste that contains hazardous components listed under Annex I of the Basel Convention and non-hazardous e-waste. Companies intending to import, export, or transit e-waste through Singapore must follow the Prior Informed Consent procedure and obtain a Basel Permit from the National Environment Agency prior to shipment.

The regulation aims to ensure that e-waste is managed in an environmentally sound manner, as required under the Basel Convention. Public consultation is open for 60 days from the notification date, and the final adoption is expected in October 2024, with the regulation taking effect on 1 January 2025.

Taiwan

Requirement to inspect stationary lithium battery storage appliances (proposal)

The Bureau of Standards, Metrology and Inspection (BSMI) of the Ministry of Economic Affairs has published a proposal that will mandate inspections for stationary lithium battery storage appliances. The proposal plans to add stationary lithium battery storage appliances into the mandatory inspection scope. This falls under the national standard CNS 15663, the island territory's version of the restriction of hazardous substances (RoHS) in electrical and electronic equipment (EEE).

The BSMI highlighted the risks associated with thermal runaway in lithium-ion batteries, potentially causing a fire or explosion, and acknowledging the expected increase in the use of renewable energy power generation equipment and energy storage systems in homes as Taiwan aspires to attain net-zero carbon emissions by 2050.

Manufacturers and importers will need to ensure their appliances are tested under one of the two alternative conformity assessment procedures: Registration of Product Certification (RPC) or Type-Approved Batch Inspection (TABI). Under the RPC scheme, production premises must be inspected and an audit of quality management systems carried out. Products certified under RPC will be able to clear customs directly without further inspection but manufacturers or importers that are TABI-registered will have to apply to the BSMI for batch inspections before the products leave production or arrive at the port of entry.

Certificates for both schemes are valid for three years. The proposed date for implementation is set to 1 July 2025.

EUROPE

European Union

Amendment to Regulation (EC) No 1272/2008 regarding the harmonized classification and labeling of substances (22nd ATP) (published)

The European Commission has published Regulation (EU) 2024/2564 to update the harmonized classification and labelling of multiple substances under the Regulation (EC) No 1272/2008 on the classification, labeling, and packaging (CLP) of

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substances. Regulation 2024/2564 is intended as the 22nd adaptation to technical progress (ATP) that are published annually to update the harmonized classifications under CLP.

Committee for Risk Assessment opinions, all dating from 2022, on harmonized classification and labeling proposals have been considered for Regulation (EU) 2024/2546. These have led to the following amendments to Part 3, Table 3 of Annex VI to Regulation (EC) No 1272/2008:

- 27 new entries
- 16 updated entries
- 7 deleted entries

Affected substances include new entries for perboric acid and its derivatives, as well as certain copper substances. The new harmonized classification and labeling entries will be compulsory from 1 May 2026; however, companies can start using these classifications from 20 October 2024.

Regulation (EU) 2024/2620 establishes criteria and requirements for considering that greenhouse gases have become permanently chemically bound in a product (published)

On 4 October 2024, the European Commission published Regulation (EU) 2024/2620, which supplements Directive 2003/87/EC by establishing criteria and requirements for considering that greenhouse gases, specifically CO_2, have become permanently chemically bound in a product. This regulation aligns with the European Union's (EU's) climate goals – particularly the target of at least 55% net emission reductions by 2030 compared to 1990 – and aims to build the regulatory framework around the capture and utilization of CO_2 in construction products.

Article 3 of the regulation outlines the criteria for considering CO_2 emissions as permanently chemically bound in a product. It specifies that CO_2 must become chemically bound through an active and controlled utilization process, allowing for the measurement and determination of the amount of CO_2 equivalent bound in the product during the process. Products must ensure that CO_2 remains bound under normal use and end-of-life conditions for at least several centuries. Products exposed to high-temperature combustion, such as during waste incineration, are excluded from being considered as permanently chemically binding CO_2.

Article 4 details the review process for products considered to permanently chemically bind CO_2, as listed in the Annex to the regulation. The European Commission will review these products based on technological developments, innovations in permanent carbon storage, and improvements in monitoring, reporting, and verification practices. The Annex may be updated based on requests from competent authorities, supported by evidence of compliance with the requirements in Article 3. The results and relevant documentation of any review will be made publicly available.

The products listed in the Annex include mineral carbonates used in the following construction products:

- carbonated aggregates used unbound or bound in mineral-based construction products
- carbonated constituents of cement, lime, or other hydraulic binders used in construction products
- carbonated concrete, including precast blocks, pavers, or aerated concrete
- carbonated bricks, tiles, or other masonry units

The regulation entered into force on 24 October 2024 and is directly applicable in all Member States. There are no specific penalties associated with this regulation.

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Rules on fluorinated greenhouse gases and requirements for registration and information in accordance with the F-gas portal (in force)

On 20 September 2024, the European Commission (EC) published Regulation (EU) 2024/2473 that lays down the rules regarding Regulation (EU) 2024/573 on fluorinated greenhouse gases and outlines many of the requirements for registration and information in accordance with the F-gas portal. The regulation entered into force on 30 September 2024.

Articles 2 and 3 of Regulation 2024/2473 provide the information requirements for registration in the F-gas portal while Article 4 requires that any undertakings registered in the F-gas portal must ensure that the information provided is up-to-date and is updated in the event of change. Under Article 5, the EC may refuse to validate a registration should the information provided be inaccurate or incomplete. Additionally, Articles 6 and 7 provide any specifics regarding the sharing of information, as well as the processing of personal data.

Beyond the refusal, suspension, and cancellation of registrations provided for under Article 5, there are no penalties associated with this update.

Additionally, the EC has opened four initiatives related to F-gases to update the worker certification requirements for switchgear, fire protection systems, air-conditioning systems in mobile equipment and solvents. The draft proposals were published on 17 September 2024 and comments were due on 15 October 2024.

Regulation (EU) 2024/2493 updates the monitoring and reporting of greenhouse gas emissions (in force)

On 27 September 2024, the European Commission published Regulation (EU) 2024/2493, amending Regulation (EU) 2018/2066, to update the monitoring and reporting of greenhouse gas emissions. This amendment aligns with Directive 2003/87/EC and aims to strengthen the monitoring, reporting, and verification framework for various sectors, including aviation, road transport, and buildings.

The regulation seeks to improve the quality of information on biomass and other fuels while facilitating national reporting under Regulation (EU) 2018/1999. It introduces specific rules for the new emissions trading system for buildings, road transport, and additional sectors, starting from 1 January 2025, with the surrendering of allowances beginning in 2028. The regulation includes provisions relating to:

- monitoring and reporting greenhouse gas emissions from various sectors, including new requirements for the treatment of zero-rated renewable fuels such as biofuels, bioliquids, biomass fuels, synthetic low-carbon fuels, renewable fuels of non-biological origin, and recycled carbon fuels
- compliance criteria for zero-rated renewable fuels, which must fulfill sustainability and greenhouse gas emissions saving criteria under Directive (EU) 2018/2001; non-compliance with these criteria results in the fuels being treated as fossil fuels
- recordkeeping requirements mandating operators to maintain detailed records of monitoring data, assumptions, references, activity data, and calculation factors for the verification of emissions data
- technical specifications for monitoring methodologies and tools that comply with the updated regulation's requirements

The regulation introduces detailed arrangements for monitoring and reporting emissions from renewable fuels of non-biological origin, recycled carbon fuels, and synthetic low-carbon fuels. For aviation, the regulation mandates the

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monitoring and reporting of non-CO_2 aviation effects from 1 January 2025, with specific reporting requirements for routes within the European Economic Area and those involving Switzerland and the United Kingdom during 2025 and 2026.

The regulation entered into force on 17 October 2024 and applies from 1 January 2024, with specific provisions taking effect from 1 July 2024 and 1 January 2025. Non-compliance with the updated monitoring and reporting requirements may lead to corrections by the competent authority and potential fines.

Regulation (EU) 2024/2492 updates test methods used under REACH to adapt them to technical progress (in force)

On 24 September 2024, the European Commission published Regulation (EU) 2024/2492, amending Regulation (EC) No 440/2008 regarding test methods, to align with technical progress. The amendments are part of the ongoing efforts to update the testing methods used under REACH. This regulation entered into force on 14 October 2024 and will be applicable across all Member States.

Regulation (EU) 2024/2492 introduces seven new test methods and updates several others, particularly for determining physicochemical properties, human health effects (such as immunotoxicity and skin sensitization), and ecotoxicity. Additionally, updated Organization for Economic Cooperation and Development test guidelines from 2023 have been integrated, and outdated versions have been removed from the Annexes of Regulation (EC) No 440/2008. The regulation also restructures the test methods for physicochemical properties to ensure better alignment with related legislation, particularly Regulation (EC) No 1272/2008 on the classification, labelling, and packaging of substances and mixtures.

Notification of 23rd adaptation to technical progress regarding the harmonized classification and labeling of certain substances (draft)

The European Union (EU) has submitted a WTO notification of the draft 23rd adaption to technical progress (ATP). This draft ATP focuses on harmonized classification and labeling proposals with Committee for Risk Assessment opinions dating from 2023. The draft ATP would add 22 new entries and update 10 entries in Part 3, Table 3 of Annex VI to Regulation (EC) No 1272/2008.

The full list of affected substances can be found in the Annex to the draft regulation, with the proposed date of adoption of this draft regulation is the fourth quarter of 2024, meaning it will likely be published in the official journal at the start of 2025.

Classification, labeling, and packaging updates for strontium compounds; milbemectin; calcium acetylide; 2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol; 4,4'-methylenediphenol; N-1,3-dimethylbutyl-N'-phenyl-p-phenylenediamine; and thymol (consultation)

Strontium compounds
Sweden submitted a proposal to the European Chemicals Agency (ECHA) for the harmonized classification of various strontium compounds focusing on reproductive toxicity. Below are the details of the substances covered:

- strontium decanoate, branched; strontium neodecanoate (EC No. not provided; CAS No. 106705-37-7)
- strontium di(acetate) (EC No. 208-854-8; CAS No. 543-94-2)
- strontium tartrate (EC No. 212-774-9; CAS No. 868-19-9)

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- strontium (2R,3R)-2,3-dihydroxybutanedioate (EC No. 212-415-6; CAS No. 814-95-9)
- strontium oxalate (EC No. 233-971-6; CAS No. 10476-85-4)
- strontium chloride (EC No. 233-131-9; CAS No. 10042-76-9)
- strontium nitrate (EC No. 231-850-2; CAS No. 7759-02-6)
- strontium sulphate (EC No. 216-643-7; CAS No. 1633-05-2)
- strontium carbonate (EC No. 236-615-8; CAS No. 13450-99-2)
- strontium hydrogen phosphate (EC No. 242-367-1; CAS No. 18480-07-4)
- strontium hydroxide (EC No. not provided; CAS No. 135459-87-9)
- strontium 5-[bis(carboxymethyl)amino]-2-carboxy-4-cyano-3-thiopheneacetate (EC No. not provided; CAS No. 135459-87-9)

The proposed harmonized classification for these strontium compounds is repr. 1B, H360D (may damage the unborn child). The proposed hazard class is reproductive toxicity. The deadline for comments is 29 November 2024.

Milbemectin
Germany submitted a proposal to ECHA for the updated classification of milbemectin (EC No. not provided; CAS No. 1799297-76-9) focusing on carcinogenicity, reproductive toxicity, acute toxicity, and specific target organ toxicity. The current harmonized classification is as follows:

- acute tox. 4, H302 (harmful if swallowed)
- acute tox. 4, H332* (harmful if inhaled)
- aquatic acute 1, H400 (very toxic to aquatic life)
- aquatic acute 1, M-factor=100
- aquatic chronic 1, H410 (very toxic to aquatic life with long-lasting effects)

The proposed updated harmonized classification is:

- carc. 2, H351 (suspected of causing cancer)
- repr. 2, H361d (suspected of damaging the unborn child)
- acute Tox. 4, H332 (harmful if inhaled)
- acute Tox. 4, H302 (harmful if swallowed)
- STOT SE 1, H370 (causes damage to organs – nervous system)
- aquatic Acute 1, H400 (very toxic to aquatic life)
- aquatic Acute 1, M-factor=100
- aquatic Chronic 1, H410 (very toxic to aquatic life with long-lasting effects)
- aquatic Chronic 1, M-factor=100

The following hazard classes are open for commenting:

- carcinogenicity
- reproductive toxicity
- acute toxicity – inhalation
- acute toxicity – oral
- specific target organ toxicity – single exposure
- specific target organ toxicity – repeated exposure
- hazardous to the aquatic environment

The deadline for comments is 29 November 2024.

Calcium acetylide
Estonia submitted a proposal to ECHA for the updated classification of calcium acetylide (a.k.a. calcium carbide; EC No. 200-848-3; CAS No. 75-20-7). This chemical currently has a harmonized classification as water-react. 1, H260 (emits flammable gases in contact with water).

The proposed harmonized classification is as follows:

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- water-react. 1, H260 (emits flammable gases in contact with water)
- skin Corr. 1, H314 (causes severe skin burns)
- eye dam. 1, H318 (causes serious eye damage)
- STOT SE 3, H335 (may cause respiratory irritation)

The following hazard classes are open for commenting:

- acute toxicity (oral, dermal, inhalation)
- skin corrosion/irritation
- serious eye damage/eye irritation
- respiratory sensitization
- skin sensitization
- germ cell mutagenicity
- carcinogenicity
- reproductive toxicity
- specific target organ toxicity - single/repeated exposure
- hazardous to the aquatic environment
- hazardous to the ozone layer

The consultation period runs from 23 September 2024 to 22 November 2024. If this classification is approved, new labeling and packaging obligations might apply.

2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol (TBMD)
Austria submitted a proposal to ECHA for the updated classification of TBMD (EC No. 204-279-1; CAS No. 118-82-1). This chemical is currently under consideration for harmonized classification. The RAC opinion was published on 17 September 2024.

The proposed harmonized classification is as follows:

- aquatic chronic 1, H410 (very toxic to aquatic life with long-lasting effects)
- M-factor = 10,000

The Committee for Risk Assessment (RAC) opinion was published on 17 September 2024.

4,4'-methylenediphenol
Sweden submitted a proposal to ECHA for the classification of 4,4'-methylenediphenol (EC No. 210-658-2; CAS No. 620-92-8). This chemical is under consideration for reproductive toxicity. The proposed harmonized classification is repr. 1B, H360F (may damage fertility). The RAC opinion was published on 17 September 2024.

N-1,3-dimethylbutyl-N'-phenyl-p-phenylenediamine
Austria submitted a proposal to ECHA for the updated classification of N-1,3-dimethylbutyl-N'-phenyl-p-phenylenediamine (EC No. 212-344-0; CAS No. 793-24-8) with focus on reproductive toxicity, skin sensitization, and environmental hazards.

The proposed harmonized classification is as follows:

- acute tox. 4, H302 (harmful if swallowed)
- skin sens. 1A, H317 (may cause an allergic skin reaction)
- repr. 1B, H360FD (may damage fertility and the unborn child)
- aquatic acute 1, H400 (very toxic to aquatic life)
- aquatic acute 1, M-factor=10,000
- aquatic chronic 1, H410 (very toxic to aquatic life with long-lasting effects)
- aquatic chronic 1, M-factor=10

The RAC opinion was published on 17 September 2024.

Thymol
Spain submitted a proposal to ECHA for the updated classification of thymol (EC No. 201-944-8; CAS No. 89-83-8). This chemical currently has a harmonized classification for acute toxicity and aquatic hazards.

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The proposed harmonized classification is as follows:

- acute tox. 4, H302 (harmful if swallowed)
- skin corr. 1, H314 (causes severe skin burns)
- eye dam. 1, H318 (causes serious eye damage)
- skin sens. 1, H317 (may cause an allergic skin reaction)
- STOT SE 3, H336 (may cause drowsiness or dizziness)
- aquatic chronic 3, H412 (harmful to aquatic life with long-lasting effects)

The RAC opinion was published on 17 September 2024.

Amendment to the European List of Waste to address waste batteries and wastes from treating them (consultation)

The European Union (EU) has published a draft act concerning the earlier published waste treatment initiative that will lead to the amendment of the European List of Waste (ELS) to address waste batteries and wastes from treating them. The Waste Framework Directive is the EU's legal framework for treating and managing waste in the EU. It introduces an order of preference for waste management called the "waste hierarchy." Certain categories of waste require specific approaches. To help manage waste, the ELS provides common terminology for classifying waste across the EU, including hazardous waste.

The European Commission plans to revise the ELS to accommodate new battery chemistries and fast-changing manufacturing and recycling processes to improve the identification, monitoring and traceability of the different waste streams and clarify their status as hazardous/non-hazardous waste. Comments on the draft act were due on 8 November 2024.

Updates to the registry of classification and labeling intentions for three substances (published)

On 8 October 2024, the European Chemical Agency (ECHA) updated the status of the registry of classification and labeling (CLH) intentions relating to proposals for new classifications and updates to existing harmonized classifications for one substance and the withdrawal of two substances. The Committee for Risk Assessment (RAC) examines proposals for harmonized classification and labelling and gives its opinion on the harmonized classification of substances. Once adopted, the RAC opinion (for each substance) is sent to the European Commission, which decides whether substances will be included in Annex VI to the Classification, Labeling, and Packaging (CLP) Regulation. Inclusion in Annex VI to CLP means that all manufacturers, importers and downstream users of substances and their mixtures must comply with the harmonized classifications.

Austria withdrew the proposed classifications for the following substances:

- 2-hydroxy-1,1-dimethylethyl)ammonium chloride (EC No. 221-713-5; CAS No. 3207-12-3)
- reaction mass of 2-amino-2-methyl-1-propanol hydrochlorid (CAS No: 3207-12-3) and 2-amino-2-methyl-1-propanol (EC No. 947-894-7; CAS No. 124-68-5)

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Germany submitted a proposal to ECHA for the classification of [4-[p,p'-bis(dimethylamino)benzhydrylidene]cyclohexa-2,5-dien-1-ylidene]dimethylammonium m-[[p-anilinophenyl]azo]benzenesulphonate (EC No. 265-449-9; CAS No. 65113-55-5). The substance is used in inks and toners. The proposed harmonized classification is as follow:

- aquatic acute 1, H400
- aquatic acute 1, M-factor=100
- aquatic chronic 1, H410
- aquatic chronic 1, M-factor=100

If the proposed classification is adopted, new labelling and packaging requirements might apply for this substance.

Finland

Amendment to Environmental Protection Act to implement European Union regulations on fluorinated greenhouse gases and other substances that deplete the ozone layer (draft)

The Finnish government has proposed a draft amendment to the Environmental Protection Act to implement the European Union (EU) regulations concerning fluorinated greenhouse gases (F-gases) and substances that deplete the ozone layer. These amendments aim to adapt Finland's national qualification systems for individuals and operators, aligning with Regulation (EU) 2024/573 on F-gases and Regulation (EU) 2024/590 on ozone-depleting substances, as well as fulfilling obligations under the Montreal Protocol, which sets international limits on ozone-depleting substances and hydrofluorocarbons.

The changes primarily concern expanding qualification requirements for those handling equipment that uses F-gases or alternative refrigerants, with stricter obligations for emissions monitoring and reporting. These rules will affect various industries, including refrigeration, agriculture, and transportation. Companies must appoint responsible persons to ensure compliance, and individuals and operators must renew their qualifications every seven years through refresher courses or competency assessments.

The draft amendment is intended to come into force on 1 January 2025, with a transition period for some qualifications lasting until 12 March 2029. Non-compliance could result in fines or administrative sanctions, and the Finnish Safety and Chemicals Agency will oversee the enforcement of these requirements.

Amendment to the Waste Act to introduce provisions on the market surveillance authority for batteries and accumulators (proposal)

The government of Finland is proposing amendments to the Waste Act (646/2011) to introduce necessary provisions concerning the market surveillance authority for batteries and accumulators, in line with the European Union (EU) Battery Regulation (2023/1542), which came into force on 17 August 2023, repealing Directive 2006/66/EC. This regulation introduces several new obligations for economic operators, including compliance with carbon footprint requirements, recycled content, performance and durability standards, labelling, and the introduction of digital battery passports. The Finnish Safety and Chemicals Agency will be responsible for market surveillance.

The implementation of these new requirements will occur in stages, with the final measures becoming applicable on or after 18 August 2033. Among the responsibilities of economic operators are the need to provide information regarding carbon footprint calculations and ensure their batteries meet specific performance and durability requirements. Labelling and the digital battery passport will help trace essential information, ensuring transparency along the battery's lifecycle.

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Amendment to law to implement the European Union Carbon Border Adjustment Mechanism (proposal)

The Finnish government has proposed amendments to the law implementing the European Union's (EU's) Carbon Border Adjustment Mechanism (CBAM). These amendments introduce national regulations for proper CBAM application and to facilitate carbon-related payments. Finnish customs will sell emission certificates through the EU's trading platform, and new provisions define acceptable collateral for obtaining authorized declarant status. Applications for authorization will be free, and the Finnish customs will receive necessary information at no cost. Penalties will apply for non-compliance with CBAM payment obligations.

CBAM will be implemented in two phases:

- reporting phase (1 October 2023 to 31 December 2025) – importers must report the emission content of imported products, including both direct and indirect emissions
- certificate purchasing phase (from 1 January 2026) – importers must purchase CBAM certificates based on the emission intensity of the goods

The Act on the Implementation of the EU Carbon Border Mechanism (1288/2023) entered into force on 1 January 2024, forming Finland's legislative framework for the transition period. Amendments to the Customs Administration Act outline the responsibilities of competent authorities.

CBAM will impact companies importing products like iron, steel, aluminum, cement, fertilizers, hydrogen, and electricity into the EU, with new reporting and certification obligations. These new requirements may increase the administrative burden, particularly for small business enterprises (SMEs). Around 50% of Finnish firms subject to CBAM reporting submitted reports for the first period. Support for SMEs in meeting these obligations will be critical.

The proposed law is intended to enter into force on 1 January 2025.

France

Draft risk management options assessment for lithium and its salts (consultation)

On 7 October 2024, the French National Agency for Food Safety, Environment and Work (ANSES) opened a public consultation on the draft risk management options assessment (RMOA) for lithium and its salts, including lithium carbonate, chloride, and hydroxide. These substances are widely used in the battery, glass, and ceramics industries, and to a lesser extent in lubricants, metallurgy, polymers, air treatment, and pharmaceuticals. The consultation (comments due on 5 November 2024) aims to collect relevant feedback from stakeholders and authorities to refine and finalize the RMOA, with the possibility of proposing management measures at the European level based on the REACH and CLP frameworks.

The draft RMOA recommends several regulatory measures, including updated chemical safety assessments by manufacturers and importers to demonstrate risk control under the REACH Regulation. The assessment also suggests potential restrictions or bans if unacceptable risks are identified, as well as the establishment of professional exposure limits to protect workers. Additionally, it proposes a classification for lithium as an endocrine disruptor due to its impact on the thyroid system and suggests evaluating its chronic aquatic toxicity. ANSES recommends improving knowledge on lithium's environmental and health risks through actions such as generating more monitoring data, establishing toxicological reference values for food and drinking water, assessing risks related to lithium extraction, and improving wastewater treatment plants to limit environmental releases.

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Decree for controlling emissions from chemical manufacturing facilities (draft)

On 18 September 2024, the Ministry for Ecological Transition, Energy, Climate, and Risk Prevention published a draft decree concerning the best available techniques (BAT) applicable to chemical sector installations under the authorization regime (comments were due on 8 October 2024). This proposal pertains to installations classified under headings 3410 to 3460 or 3710 of the nomenclature for facilities subject to environmental protection regulations, when the primary pollutant load originates from installations in the chemical sector. This draft decree aims to establish general provisions for the prevention, reduction, and control of pollutant emissions from chemical manufacturing activities. This will be applicable to approximately 450 installations, including those producing pharmaceuticals, plastics, polymers, various organic and inorganic chemicals, pigments, detergents, and explosive products.

The decree will complement the existing provisions of the amended ministerial decree of 2 February 1998, which governs water withdrawals, consumption, and emissions from facilities under the environmental protection authorization regime. It integrates the requirements of the Industrial Emissions Directive 2010/75/EU and related implementing decisions on best available techniques for the chemical industry, including the production of chlorine and caustic soda, the treatment of aqueous and gaseous effluents, and the management of residual gases.

More information can be found here in French.

Romania

Amendment to Annex 1 of Decision 322/2013 that regulates restrictions of hazardous substances in electrical and electronic equipment (published)

On 11 September 2024, the Ministry of Environment, Water, and Forests in Romania published an amendment to Annex 1 of Decision 322/2013 that regulates the restriction of hazardous substances (i.e., RoHS) in electrical and electronic equipment. Annex 1 lists the specific applications that are exempt from these restrictions. The amendment will enter into force on 1 January 2025. The amendment updates entry 39(a) concerning cadmium selenide, with the exemption expiring on 21 November 2025, and entry 39(b) concerning cadmium from cadmium semiconductor nanocrystal quantum dots, expiring on 31 December 2027.

More information can be found here in Romanian.

United Kingdom

Addition of substances to the Mandatory Classification, Labeling, and Packaging List (consultation)

The Health and Safety Executive (HSE) published a call for comments on its bulletin concerning the proposal for the following substances to be added to the Great Britain (GB) Mandatory Classification, Labeling, and Packaging List (MCLP):

- N-carboxymethyliminobis (ethylenenitrilo)tetra(acetic acid) (DTPA) and its pentasodium and pentapotassium salts (EC Nos. 200-652-8, 404-290-3, and 205-391-3; CAS Nos. 67-43-6, 7216-95-7, and 140-01-2)
- silanamine, 1,1,1-trimethyl-N-(trimethylsilyl)-, hydrolysis products with silica (EC No. 272-697-1; CAS No. 68909-20-6)
- 2-butoxyethanol; ethylene glycol; monobutyl ether (EGBE) (CAS No: 111-76-2, EC No: 203-905-0)

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The GB MCLP is the equivalent of the European Union CLP. This list gives information on the classification and hazard labeling of the substance, and it is legally binding in GB. If someone is classifying a substance that appears in the GB MCLP List, then they must use the mandatory classification and labeling that appears in the GB MCLP List.

HSE is requesting anyone with relevant information including scientific or technical information relating to the proposed classification, as well as information on the potential impacts of the classification on the two chemicals to take part. HSE encourages comments supporting or opposing the proposed mandatory classification and labelling. Additional relevant data can also be submitted. The consultation deadline is 6 December 2024.

NORTH AMERICA

Canada

Amendment to the Non-domestic Substances List (in force)

On 21 September 2024, Canada published Order 2024-87-07-02 Amending the Non-domestic Substances List (NDSL). The NDSL is a list of substances that are not used commercially in Canada above trigger quantities specified in the New Substances Notification Regulations (Chemicals and Polymers), but that are known to be in international commerce. Substances on the NDSL are subject to the notification and requirements set out in the New Substances Notification Regulations (Chemicals and Polymers); however, they are subject to fewer information requirements in comparison to new substances that are not on the NDSL.

Part 1 of the NDSL is amended by deleting the following:

- octylphosphonic acid (CAS No. 4724-48-5)
- oxazolidine, 3-butyl-2-(1-ethylpentyl)- (CAS No. 165101-57-5)
- heptanoic acid, mixed tetraesters with 2-methylbutanoic acid, pentaerythritol, 3,5,5-trimethylhexanoic acid and valeric acid (CAS No. 2376995-24-1)
- heptanoic acid, mixed hexaesters with dipentaerythritol, 2-methylbutanoic acid, 3,5,5-trimethylhexanoic acid and valeric acid (CAS No. 2640167-65-1)

Order 2024-87-07-02 does not impose any regulatory requirements on businesses, though businesses should be aware of any new additions to the NDSL if a substance used in their processes or products is added.

Proposed Plan of Priorities to outline upcoming actions to assess and manage chemicals risks (consultation)

On 4 October 2024, the Canadian Government published the Proposed Plan of Priorities (the Plan) outlining upcoming actions to assess and manage chemical risks to protect human health and the environment. The Plan prioritizes substances for assessment and specifies initiatives to control or manage these risks under the Canadian Environmental Protection Act

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(CEPA), with a focus on enhancing Canada's chemical management regime in line with environmental justice principles. The public can provide feedback on the Plan until 4 December 2024.

The Plan includes a list of substances prioritized for assessment under Section 2, which covers those that are hazardous to human health or the environment, substances impacting populations or environments at increased risk, and those contributing to cumulative risks. Section 3 details activities to support the assessment and control of substances, including initiatives related to labeling, managing substances of highest risk, research, monitoring, and information gathering.

The Plan will be reviewed and updated every eight years, with annual progress reported as part of the CEPA Annual Report. The final Plan will be published by 13 June 2025. There are no penalties associated with this update.

United States

Final risk evaluation for tris(2-chloroethyl) phosphate (published)

On 26 September 2024, the US Environmental Protection Agency (EPA) released its final risk evaluation for tris(2-chloroethyl) phosphate (TCEP; CAS No. 115-96-8) under the Toxic Substances Control Act, concluding that TCEP presents an unreasonable risk to human health and the environment. The final risk evaluation for TCEP identifies significant risks due to non-cancer effects and cancer in workers, consumers, and the general population from various exposure routes, including dermal, inhalation, and ingestion. Additionally, TCEP poses chronic environmental risks, particularly to aquatic species. The evaluation covers ten conditions of use, including importing, processing, industrial, commercial, and consumer uses, which significantly contribute to the identified risks. As a result, EPA will propose risk management actions to mitigate these risks.

EPA will focus its risk management actions on the conditions of use that significantly contribute to the unreasonable risk. The agency is required to propose regulatory actions to ensure that TCEP no longer presents an unreasonable risk. The final risk evaluation and responses to public and peer review comments are available in the docket EPA-HQ-OPPT-2018-0476.

Extension of the 2024 Chemical Data Reporting submission period (effective)

The US Environmental Protection Agency (EPA) issued a final rule amending the Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) regulations to extend the submission deadline for 2024 CDR reporting. The CDR rule, required by section 8(a) of TSCA, mandates that manufacturers and importers report data on the production, processing, and use of chemicals in commerce. This information helps EPA manage risk screening, assessment, and management activities.

The current 2024 CDR submission period, originally from 1 June 2024 to 30 September 2024, has been extended to 22 November 2024 due to issues related to the chemical data exchange (CDX) tool for electronic data reporting, particularly for confidential business information (CBI) claims. The extension applies only to the 2024 submission period, with future reporting periods (beginning in 2028) unaffected.

Stakeholders affected by the CDR rule – such as chemical manufacturers, importers, and processors (e.g., petroleum refineries, utilities, and electronics manufacturing) – should ensure compliance by submitting accurate and complete reports ahead of the extended deadline. Penalties are not mentioned in the update.

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New federal strategy to address per- and polyfluoroalkyl substances (published)

On 3 September 2024, the White House Office of Science and Technology Policy (OSTP) released a new federal strategy to address per- and polyfluoroalkyl substances (PFAS). The key objectives of the PFAS research and development (R&D) strategy include:

- providing high-quality scientific data to guide federal decisions on reducing and preventing PFAS contamination and its associated health impacts
- effectively communicating PFAS research to impacted communities
- identifying technologies for the remediation, destruction, and disposal of PFAS contamination
- generating actionable information on PFAS alternatives to help federal agencies, manufacturers, and consumers make informed decisions

The OSTP emphasizes that this strategy builds on the progress made in the 2023 PFAS Report. It highlights the ongoing collaboration among federal agencies and external stakeholders to address PFAS risks through research, technology development, and community engagement. The strategy will also be updated every three years, in line with the National Defense Authorization Act of fiscal year 2021.

Establishment of the Emissions Reduction and Reclamation Program to manage certain hydrofluorocarbons and their substitutes (published)

On 11 October 2024, the U.S. Environmental Protection Agency (EPA) published a final rule establishing the Emissions Reduction and Reclamation (ER&R) Program to manage certain hydrofluorocarbons and their substitutes (collectively, HFCs) for the purpose of maximizing reclaiming and minimizing releases of HFCs from certain equipment or appliances. The ER&R Program is intended to implement subsection (h) of the American Innovation and Manufacturing (AIM) Act.

The ER&R Program's main components are:

- leak repair requirements for certain appliances that use a refrigerant containing HFCs
- mandatory use of automatic leak detection systems for certain HFC-containing new and existing appliances
- a reclamation standard limiting the amount of virgin HFCs that can be contained in reclaimed HFCs
- mandatory use of reclaimed HFCs when servicing and/or repairing existing equipment in specific refrigeration, air conditioning, and heat pump sector equipment that utilizes HFCs
- fire suppression sector requirements related to servicing, repair, disposal, and installation of fire suppression equipment that contains HFCs, as well as technician training requirements
- removal requirements for HFCs from certain disposable cylinders before discarding
- recordkeeping, reporting, and labelling requirements

The rule applies to a wide range of entities that own, operate, service, repair, recycle, dispose of, or install equipment containing HFCs, such as commercial and industrial refrigerators, air conditioners, heat pumps, fire suppression systems, and other HFC-containing equipment. Penalties for non-compliance from the AIM Act and Clean Air Act apply, including banning a company and its owner(s) receiving future allowances from EPA and fines.

Final rule on use of ozone-depleting substances as process agents (published)

On 10 October 2024, the US Environmental Protection Agency (EPA) issued a final rule related to the use of ozone-depleting substances (ODS) as process agents. The US is a party of the Montreal Protocol on Substances that Deplete the Ozone

Layer. This international treaty aims to protect and restore the stratospheric ozone layer by phasing out the production and consumption of certain ODS including chlorofluorocarbons (CFCs), halons, methyl bromide, and hydrochlorofluorocarbons (HCFCs).

Under the Clean Air Act (CAA) and EPA's regulations at 40 CFR part 82, controls are in place that restrict the production and consumption of ODS to implement the phaseout of these substances. This final rule is a technical amendment to 40 CFR Part 82 and establishes recordkeeping and reporting requirements for uses of ODS as process agents. Process agents are generally understood to be used to create an environment for another process to occur, without being consumed or destroyed during that process.

Affected manufacturing facilities using ODS as process agents will be required to submit a "One-Time Report" to the EPA with the implementation of this final rule[2]. The report must be submitted within 120 days of 10 October 2024, or within 120 days of the date that a facility first uses a controlled substance as a process agent (whichever is later). Additionally, each entity with a facility that uses a controlled substance as a process agent must submit for each applicable facility an annual report by 14 February of each year concerning process agent uses for the previous calendar year. This will support the EPA's efforts to:

- assess use of controlled substances as process agents
- establish a baseline set of information from which EPA can monitor potential changes over time
- effectively monitor the narrow process agent uses in a more routine and consistent manner under the CAA
- ensure that EPA is accurately documenting production and consumption of the two classes of ODS (class I and class II controlled substances[3]) consistent with the limits established under CAA sections 604 and 605

This final rule is effective starting 12 November 2024 and affected parties should ensure they comply with the reporting obligations in line with above mentioned timelines. There are no specific penalties associated with this regulation.

Addition of over one hundred per- and polyfluoroalkyl substances to the Toxics Release Inventory (consultation)

On 8 October 2024, the US Environmental Protection Agency (EPA) proposed a rule to add 16 per- and polyfluoroalkyl substances (PFAS) and 15 PFAS categories, representing over 100 individual PFAS, to the Toxics Release Inventory (TRI). These substances would be designated as chemicals of special concern, requiring more stringent reporting requirements, including mandatory reporting for even small concentrations. Comments are due by 9 December 2024.

This proposed addition of PFAS is based on their demonstrated toxicity to human health and the environment. Under the rule, the EPA proposes a 100-pound reporting threshold for the manufacture, processing, or use of these PFAS, aligning with reporting requirements established by the National Defense Authorization Act (NDAA) of fiscal year 2020. Furthermore, the proposed rule includes the reclassification of certain PFAS already listed individually in the TRI to the proposed PFAS categories, to ensure comprehensive reporting on similar substances. EPA also aims to clarify the automatic addition of PFAS to the TRI under the NDAA, proposing a list of EPA toxicity values that would trigger automatic inclusion.

More information can be found in the Federal Register.

[2] The "One-Time Report" is required regardless of whether an entity has provided this information previously.
[3] Class I controlled substances have higher ozone-depleting potential than class II substances and consist of CFCs, halons, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbons which have been phased out. Class II controlled substances consist only of HCFCs.

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Significant new use rules on certain chemical substances previously subject to premanufacture notices and received a "not likely to present an unreasonable risk" determination (proposed)

On 27 September 2024, the U.S. Environmental Protection Agency (EPA) published a proposal for significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA). The proposal concerns multiple chemical substances that were previously subject to premanufacture notices and received a "not likely to present an unreasonable risk" determination under TSCA. Comments were due on 28 October 2024.

The proposed SNURs require individuals or companies intending to manufacture (including import) or process these chemical substances for any new use designated as a "significant new use" to notify the EPA at least 90 days before the commencement of such activities. This notification will trigger a review by the EPA to evaluate potential risks associated with the new use and determine the appropriate regulatory action. Manufacturing or processing for these new uses cannot commence until EPA has completed its review and made a determination in line with TSCA regulations.

EPA has outlined specific conditions of use for the chemical substances in question, detailing any limitations and protective measures necessary to mitigate risks to human health and the environment.

Request for public comments on the manufacture of certain per- and polyfluoroalkyl substances (consultation)

On 30 September 2024, the US Environmental Protection Agency (EPA) published a request for public comment on the manufacture of certain per- and polyfluoroalkyl substances (PFAS), including 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), which are formed during the fluorination of high-density polyethylene (HDPE) and other plastic containers. This request follows a petition granted by EPA on 10 July 2024 under the Toxic Substances Control Act (TSCA) to address the risks associated with these substances.

EPA is seeking information on the following:

- the number, location, and uses of fluorinated containers in the US, including any critical uses for the national economy, security, or infrastructure
- alternatives to the fluorination process that generates PFAS, including PFOA, PFNA, and PFDA
- measures to mitigate the risks posed by PFOA, PFNA, and PFDA formed during the fluorination of plastic containers

The input gathered will inform EPA's future regulatory approach under TSCA Section 6, aimed at mitigating the health and environmental risks posed by these substances. Comments must be submitted by 29 November 2024, after which EPA will evaluate the data to shape future regulatory actions. Non-compliance with any forthcoming regulations could result in penalties, as outlined under TSCA.

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SOUTH AMERICA

Brazil

DECREE No. 12,199 to enact the Ban Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (effective)

On 24 September 2024, the Brazilian government adopted Decree No. 12,199 to enact the Ban Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted during the Third Meeting of the Conference of the Parties in 1995. This amendment aims to prohibit the export of hazardous wastes from developed to developing countries, addressing environmental justice concerns, and ensuring safe waste disposal practices globally. The decree aligns with international commitments under the Basel Convention to prevent environmental harm caused by improper disposal of hazardous materials in less equipped countries.

The Ban Amendment introduces significant changes to how hazardous waste is managed across borders. It specifically prohibits transboundary movements of hazardous waste from countries listed in Annex VII (primarily OECD countries[4], the European Community, and Liechtenstein) to non-Annex VII countries, which include developing nations. The amendment seeks to prevent environmental damage and health risks caused by the unsafe management of hazardous wastes in recipient countries.

The amendment mandates stricter controls on waste exporters and reinforces the Basel Convention's core principle of preventing the dumping of hazardous waste in vulnerable nations. Companies involved in the transboundary shipment of hazardous materials will need to adhere to these new legal obligations, prohibiting exports to developing nations unless the destination country is equipped to manage such waste safely under Annex IV A or IV B of the Basel Convention.

This decree took effect on 24 September 2024, the date of its publication. The ban on hazardous waste exports to non-Annex VII countries has been in place since 31 December 1997, as per the amendment. There are no immediate penalties specified within this decree for non-compliance.

Information can be found here in Portuguese.

Brazil's Senate approves REACH-like chemicals management bill (draft)

On 15 October 2024, Brazil's Senate approved a REACH-like chemicals management framework bill, sending the measure on to the country's president for final approval. Bill (PL 6120/2019), approved by the Senate, would establish a national chemicals inventory, set out a process for prioritizing substances for risk assessment, and set out the responsible agencies. The Senate also added amendments to exclude substances classified as medical devices and clarify language around the creation of new technical and deliberative chemical committees. The government would have 180 days from the law's formal publication to begin crafting regulations to implement the law, and it would have three years to establish an online registration system for the national inventory.

[4] i.e., Organization for Economic Co-operation and Development countries.

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Several substances would be exempt from the bill's scope, including many that are regulated by separate legislation, such as food additives, pesticides, active pharmaceutical ingredients and, with the Senate's recent amendment, medical devices. Other exemptions would include:

- radioactive substances
- substances exclusively intended for research
- certain substances under development;
- substances used in national defense
- substances resulting from an unintentional chemical reaction during the storage of another substance;
- waste

The bill also would exempt the following from the registration requirements:

- mixtures
- articles
- monomeric units within polymers
- "low concern polymers," which will be defined in future regulations

Information can be found here in Portuguese.

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