NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
August 2021

IAEG INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP
10-YEAR ANNIVERSARY

WHO IS IAEG?

The International Aerospace Environmental Group (IAEG) is a non-profit organization of global aerospace companies created to collaborate on and share innovative environmental solutions for the industry. The group works to promote the development of voluntary consensus standards and provide accessible solutions for key environmental issues.

Members of IAEG recognize that there are currently a wide variety of different laws and regulations impacting health and the environment in place worldwide. The complexity and variability of requirements and guidance has led to an increased burden for the industry and its supply chain.

IAEG work groups address such issues as chemical material declarations and reporting requirements, the development of alternative technologies and greenhouse gas reporting and management. They create a forum for diverse and often competitive businesses to come together and share information on industry-wide opportunities for the promotion and adoption of global environmental requirements. In addition, IAEG provides opportunities for wider education on environmental issues and the supply chain via its meetings agendas and bespoke seminars.

IAEG WORK GROUP 9 NEWSLETTER

The Aerospace and Defense (AD) industry is committed to developing an approach to help the AD industry evaluate emerging global environmental and chemical regulations and their impact on compliance and potential operational risk for companies and their supply chain. The objectives are to:
Maintain a list of global regulations, policies and standards considered and to be considered, including executive summaries of those regulations.
Develop a method to evaluate designated emerging regulation's potential impact on compliance and/or operational risk, business continuity and/or impact on supply chain.
Develop summaries of the associated timeline for regulations (e.g., deadlines) and highlight the specific impacts.
Develop communication materials and conduct informational webinars, as appropriate, for member companies and/or AD supply chain companies, as appropriate.

This Newsletter summarizes environmental and chemical regulations relevant to the AD industry. Contact Lisa Brown at myrna.l.brown@lmco.com or Lindsey Bean at lindsey.bean@ngc.com for question on this Newsletter. For general assistance on IAEG matters, contact Christer Hellstrand at chellstrand@iaeg.com or Amanda Myers at Amanda.Myers@sae.org.

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GLOBAL

Seventeenth meeting of the Persistent Organic Pollutants Review Committee (POPRC.17)

Legal Status: Announced

The Seventeenth Persistent Organic Pollutants (POP) Review Committee (POPRC-17) meeting is planned to take place between 24th-28th January 2022 (face-to-face) or 17th-28th January 2022 (online). If a face-to-face meeting is permitted, the online pre-meetings will be held from 9th-12th November 2021. A decision on the meeting's setting will be made early October 2021.

The agenda includes the draft risk management evaluation on the methoxychlor (CAS No.: 72-43-5), and draft risk profiles on Dechlorane plus (CAS No.: 13560-89-9), and on UV-328 [(2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol); CAS No.: 25973-55-1]. The Committee will also consider proposals for the inclusion in Annexes A, B and/or C to the Convention of chlorinated paraffins with carbon chain lengths in the range C14-17 and chlorination levels exceeding 45 percent chlorine by weight; chlorpyrifos (CAS No.: 291-88-2); and long-chain perfluorocarboxylic acids (PFCAs), their salts, and related compounds submitted by the United Kingdom, the European Union, and Canada, respectively. The provisional agenda and the three proposal documents for the new chemicals can be viewed at the link provided below.

Other items on the provisional agenda of the meeting pertain to the review of information related to specific exemptions for decabromodiphenyl ether (CAS No.: 1163-19-5) and short-chain chlorinated paraffins; the process for the evaluation of perfluorooctane sulfonic acid (PFOS), its salts, and perfluorooctane sulfonyl fluoride (POSF); the review of an indicative list of substances covered by the listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds; and the long-range environmental transport.

More information can be found at:
General information
http://chm.pops.int/TheConvention/POPsReviewCommittee/Meetings/POPRC17/Overview/tabid/8900/Default.aspx
Draft substance list for PFOA
https://www.iaeg.com/elements/pdf/Stockholm_Convention_Draft_Substance_List_for_PFOA,_its_salts_and_PFOA-related_compounds.pdf

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ASIA

China

Plan for controlling hydrofluorocarbons

Legal Status: Announced

China's Ministry of Ecology and Environment (MEE) has published its plan for controlling hydrofluorocarbons (HFCs). This move comes as a follow-up to the ministry's announcement that it will officially adopt the Kigali Amendment to the United Nation's Montreal Protocol on Substances that Deplete the Ozone Layer. The HFCs are used in refrigerants, solvents, fire suppressants, foam blowing agents, aerosols and propellants. The MEE set out its plan to gradually phase out production and use by:

- adding HFCs to the lists of controlled ozone-depleting substances in China and those imported and exported from the country in its Regulations on the Administration of Ozone-depleting Substances
- incorporating the HFC reduction plan into China's national program for the phase-out of ozone-depleting substances
- analyzing HFC data and conducting industry research to develop roadmaps and policy management measures for future reductions
- establishing a licensing system for their import and export.

The ministry says it also plans to develop a draft management policy for the greenhouse gas trifluoromethane, a byproduct of the hydrofluorocarbon production process that is released unintentionally.

More information can be found at:
https://www.iaeg.com/elements/pdf/CHN_Plan_for_controlling_HFCs_english.pdf

List of controlled ozone-depleting substances

Legal Status: Draft Amendment

On 21 June 2021, China's Ministry of Ecology and Environment (MEE) announced that China will formally adopt the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer on 15 September 2021. On 16 August 2021, the MEE published an updated draft list of controlled ozone depleting substances (ODSs) (consultation ended 20 August 2021), which now includes 18 HFCs–substances commonly used in refrigerants, solvents, fire suppressants, foam blowing agents, aerosols, and propellants.

Also, on 16 August 2021, the Chinese MEE, Ministry of Commerce, and General Administration of Customs jointly published a revised draft list of import and export controlled ODSs containing 67 controlled substances, including HFCs. Upon the enforcement of this list, the 6 previously published batches of lists of import and export controlled ODSs will be repealed.

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Under the Kigali Amendment, China must commit to an 80% reduction in its ozone depleting-hydrofluorocarbon (HFC) production and consumption over the next 30 years and establish a licensing system for the import and export of HFCs before 15 December 2021.

More information can be found at:
General information on list of ODSs
https://www.iaeg.com/elements/pdf/CHN_Revision_Explanation_of_Revised_List_of_Controlled_ODSs_english.pdf
Attachment 1 – List of ODSs
https://www.iaeg.com/elements/pdf/CHN_Revised_Substance_List_of_Controlled_ODSs_english.pdf
General information on import and export ODSs list
https://www.iaeg.com/elements/pdf/CHN_Revision_Description_of_List_of_Import_and_Export_Controlled_ODSs_english.pdf
Attachment 1 – List of import and export ODSs
https://www.iaeg.com/elements/pdf/CHN_List_of_Import_and_Export_Controlled_ODSs_english.pdf

India

Draft standard for toluene diisocyanate (Tdi-80) — specification

Legal Status: Draft standard

The Bureau of Indian Standards (BIS) is consulting with industry stakeholders on a draft standard for toluene diisocyanate (TDI) mixture, TDI-80. There are two isomers of TDI:

- TDI 80/20 (TDI-80), which is a mixture of 80% 2,4-toluene diisocyanate (CAS No.: 584-84-9) and 20% 2,6- toluene diisocyanate (CAS No.: 91-08-7)
- TDI 65/35, which contains 2,4-TDI and 2,6-TDI isomers in the ratio of 65:35, respectively

To comply, TDI-80 would need to meet the following requirements:

- minimum purity 99.5% (maximum permissible impurity level 0.5% by mass)
- maximum permissible hydrolysable content, 0.0080% by mass
- maximum permissible acidity, 0.0040% by mass
- maximum permissible chlorine content, 0.07% by mass
- maximum nitro isocyanate content, 0.004% by mass

The mixture is mainly used in the manufacture of paints, adhesives, polyurethane foam, elastomers, coated fabrics, and synthetic leather.

The material shall be packed in suitable drums, tankers, International Organization for Standardization (i.e., ISO) containers, etc., as agreed between purchaser and supplier. The BIS states that manufacturers must provide consumers with detailed information on any anti-oxidants and/or performance additives present. These must also be listed as ingredients on substance labels.

Interested parties can provide comment before the deadline of 1 September 2021.

More information can be found at:
https://www.iaeg.com/elements/pdf/IND_Draft_Standard_Toluene_Diisocyanate.pdf

Israel

Policy for importing hazardous waste

Legal Status: Draft

The Israel Ministry of Environmental Protection's Draft Policy (Draft Policy) for importing hazardous waste, which aims to protect human health and the environment, implements the Hazardous Materials Order (Import and Export of Hazardous Waste), 5744-1994, and the Basel Convention. According to the Draft Policy, a permit is required from the Commissioner to import hazardous waste. To obtain a permit, the following have to be provided or met:

- detailed information about the type, assembly, and manner of treatment of the imported hazardous waste
- a permit for the treatment of hazardous waste (including a toxic permit under the Hazardous Materials Law 5743-1993) by the treatment plant that imports the waste
- the amount of hazardous waste that remains or is created after recovery and transferred to landfill shall not exceed 25% of the imported material

Interest parties can provide comments by 14 September 2021.

More information can be found at:
https://www.iaeg.com/elements/pdf/ISR_Draft_Policy_for_Importing_Hazardous_Materials_english.pdf

South Korea

Update on pre-registered substances under K-REACH

Legal Status: Published

On 15 July 2021, South Korea's Ministry of Environment (MoE) published an updated list of substances that require pre-registration under K-REACH. Fifty-five new substances were added to the list since the last update in April 2021, bringing the total to 17,151 notified chemical substances requiring pre-registration. Chemical companies intended to manufacture or import the following chemical substances shall register the substances under K-REACH:

- at least 0.1 tonnes/year of a new chemical substance
- existing substances manufactured, imported, or sold more than 1 tonne/year

Pre-registration of chemical substances under K-REACH started in June 2019 for chemical substances manufactured/ imported at volumes greater than 1 tonne per year. The deadline for registration of carcinogenic, mutagenic, or toxic to reproduction (CMR) substances exceeding 1 tonne/year and all other substances exceeding 1,000 tonnes/year is 31 December 2021.

Penalties for non-compliance include fines up to 100 million Won or imprisonment up to 5 years for individuals. Penalty for non-compliance at the company level could be imposed based on the company's total sales (up to 5%).

More information can be found at:
National Chemical Information System
https://ncis.nier.go.kr/en/main.do
List of pre-registered substances
https://www.iaeg.com/elements/pdf/KOR_Pre-registered_Substances_List_english.pdf

Notice of partial revision of existing chemical substances

Legal Status: Published

The South Korean Ministry of Environment has published a notice for the amendment of Existing Chemical Substances (under K-REACH), increasing the scope of substances that are classified as Existing Chemical Substances. Existing substances are defined as substances which are domestically circulated for industrial or commercial use before February 1991, or substances which have a completed hazard assessment by the ministry after February 1991. These substances are subject to registration under K-REACH when being manufactured, imported, or sold in quantities greater than 1 ton/year.

Pursuant to this amendment, any of the following cases shall be regarded as existing chemical substances:

- hydrates or anhydrides of existing chemicals
- a reaction product composed of two or more components, these components being existing chemicals (however, it is limited to cases where separation of each component in the reaction product is technically difficult and is distributed or handled in the market by itself)
- each specific isomer in an existing chemical containing two or more isomers
- other chemical substances falling under the table attached to the notice (see link below)

Penalties for non-compliance include fines up to 100 million Won or imprisonment up to 5 years for individuals. Penalty for non-compliance at the company level could be imposed based on the company's total sales (up to 5%).

More information can be found at:
In Korean
https://www.iaeg.com/elements/pdf/KOR_Existing_Chemical_Substances_Revision.pdf
In English
https://www.iaeg.com/elements/pdf/KOR_Existing_Chemical_Substances_Revision_english.pdf

Clean Air Conservation Act Article 2 No. 10 and VOC Designation Notification (Ministry of Environment Notification No. 2015-181, According to 2015.9.11.)

Legal Status: In force

South Korea's Ministry of Environment has introduced a new designation procedure and method for exempt volatile organic compounds (VOCs) in paints. The amendments to the Regulation of Exempt Substances for VOC Content in Paints include identification of the exempt compounds, the designation criteria, and the application process.

A list of exempt substances determined by the President of National Academy of Environmental Sciences is attached to the amendment notification:

- acetone (CAS No.: 67-64-1)
- para-chlorobenzotrifluoride (PCBTF) (CAS No.: 98-56-6)
- dimethyl carbonate (CAS No.: 616-38-6)
- t-butyl acetate (CAS No. 540-88-5)
- 2-amino-2-methyl-1-propanol (CAS No.: 124-68-5)

The exempt substances are:

- substances with negligible photochemical ozone generating ability
- substances that are minimally harmful to human and environment
- substances that can be analyzed by the approved analytical methods

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- substances for which the technical necessity and substitution effect of eco-friendly paints with exempt substances are recognized as reasonable

The application must include supporting documents to prove the criteria are met:

- data on physicochemical properties of substances
- data on toxicity of substances
- data on major routes and potential emissions to the environment
- data on analytical methods

The results of the review process will be reported within 60 days from the date of application.

More information can be found at:
In Korean
https://www.iaeg.com/elements/pdf/KOR_Regulations_on_Designation_of_Exempt_Substances_for_VOC_content_in_paints.pdf
In English
https://www.iaeg.com/elements/pdf/KOR_Regulations_on_Designation_of_Exempt_Substances_for_VOC_content_in_paints_english.pdf

EUROPE

European Union

Commission Regulation (EU) 2021/1297 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards to perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts, and C9-C14 PFCA-related substances

Legal Status: Published 4 August 2021, in force 24 August 2021

The European Commission published an update to Entry 68 of the REACH Annex XVII. Annex XVII contains the restrictions on the manufacture, placing on the market, and use of certain dangerous substances, mixtures, and articles. Entry 68, previously containing the listing for perfluorooctanoic acid (PFOA), its salts, and any PFOA-related substances, was deleted in December 2020.

This update replaces Entry 68 with the following listing:

- linear and branched perfluorocarboxylic acids of the formula CnF2n +1-C(= O)OH where n = 8, 9, 10, 11, 12, or 13 (C9-C14 PFCAs), including their salts, and any combinations thereof
- any C9-C14 PFCA-related substance having a perfluoro group with the formula CnF2n +1- directly attached to another carbon atom, where n = 8, 9, 10, 11, 12, or 13, including their salts and any combinations thereof
- any C9-C14 PFCA-related substance having a perfluoro group with the formula CnF2n +1- that it is not directly attached to another carbon atom, where n = 9, 10, 11, 12, 13 or 14 as one of the structural elements, including their salts and any combinations thereof. The following substances are excluded from this designation:

- CnF2n +1-X, where X = F, Cl, or Br where n = 9, 10, 11, 12, 13 or 14, including any combinations thereof
- CnF2n +1-C(= O)OX' where n> 13 and X'=any group, including salts

The major restrictions for the listing are noted below:

- shall not be manufactured, or placed on the market as substances on their own, in a mixture, or in an article from 25 February 2023
  - from 4 July 2023 for the manufacture of specific polymers to produce industrial sealants
  - from 4 July 2025 for fire-fighting foam for liquid fuel vapor suppression and liquid fuel fire (Class B fires) already installed in both mobile and fixed systems
- A limit of 10 parts per million for the sum of C9-C14 PFCAs, their salts, and C9-C14 PFCA related substances when being transported as an isolated intermediate

Penalties for non-compliance vary by European Union Member State.

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1297

ECHA call for comments and evidence on 1 bromopropane and trichloroethylene

Legal Status: Draft amendment

The European Chemicals Agency (ECHA) issued a call for evidence to determine whether to initiate a REACH restriction proposal for two chemical substances: 1-bromopropane (CAS No.: 106-94-5) and trichloroethylene (CAS No.: 79-01-6).

Interested parties can also submit additional information to support or justify their comments to the link provided in the ECHA page.

More information can be found at:
https://echa.europa.eu/hu/calls-for-comments-and-evidence

ECHA consultations on applications for REACH Authorisation for seven substances (REACH)

Legal Status: Draft amendment

The European Chemicals Agency (ECHA) has opened consultations on seven applications for REACH Authorisation for the following four substances:

- sodium dichromate (CAS No.: 7789-12-0, 10588-01-9) as an anticorrosion agent
- chromium trioxide (CAS No.: 1333-82-0)
  - for electroplating at industrial sites
  - for functional chrome plating of stainless-steel for the wood-based materials industry
  - for electroplating of metal substrates for kitchens and bathrooms
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated (No CAS available)
  - in virus inactivation during drug development
  - as a component of buffer solutions in scientific research and development
- 4-Nonylphenol, branched and linear, ethoxylated (No CAS available) as a component of buffer solutions in scientific research and development

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Interested parties are invited to express their views and concerns about the use and application of the substances by 13 October 2021.

More information can be found at:
https://echa.europa.eu/hu/applications-for-authorisation-consultation

Revision of European Union legislation on hazard classification, labelling, and packaging of chemicals

Legal Status: Draft amendment

The European Commission's initiative on the revision of the classification, labelling, and packaging (CLP) regulation, initially published on 4 May 2021, aims to improve the safe use of chemicals, and simplify the current CLP rules. The Commission is currently conducting an impact assessment to examine and determine various CLP Regulation revision options. These options include the following:

- introduce new hazard classes (e.g., endocrine disruption) and corresponding criteria
- introduce an obligation to provide information on some hazards on the label for products currently outside the scope of CLP
- clarify the obligations to classify mixtures and some complex substances
- introduce the possibility to submit proposals and set harmonized environmental and safety values for some substances
- make it a requirement for importers and downstream users to provide information on substances classified for physical effects or health hazards to poison centers
- clarify obligations for distributors to submit information (mentioned in previous point) through an only representative or other means
- introduce a mandate for the Commission to request European Chemicals Agency to develop new harmonized classification and labelling dossiers
- introduce tailored labelling rules where there is not enough space on packaging
- introduce a prioritization mechanism for harmonizing the classification of certain chemicals

A public consultation seeking comments on the revision options for the CLP Regulation is running between 9 August 2021 to 15 November 2021. Interested parties can provide comments before the deadline.

More information can be found at:
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12975-Revision-of-EU-legislation-on-hazard-classification-labelling-and-packaging-of-chemicals_en

Introducing standard information requirements for endocrine disruption

Legal Status: Consultation

The European Commission committed to the European Union's (EU's) zero pollution ambition through establishment of the Chemical Strategy for Sustainability. Endocrine disrupting chemicals (EDCs) data requirement has been updated as part of the Commission's strategy. The main purpose is to ensure sufficient and appropriate information on intrinsic properties of the substances is available to the authorities to identify the EDCs. The Commission has proposed adaptations of the REACH Annexes to facilitate EDC identification and review process. The REACH Annexes subject to updates are:

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- Annex I – General provisions for assessing substances and preparing chemical safety reports
- Annex VII – Standard information requirements for substances manufactured or imported in quantities of one tonne or more
- Annex VIII – Standard information requirements for substances manufactured or imported in quantities of 10 tonnes or more
- Annex IX – Standard information requirements for substances manufactured or imported in quantities of 100 tonnes or more
- Annex X – Standard information requirements for substances manufactured or imported in quantities of 1000 tonnes or more

The consultation aims to gather stakeholders' opinions on the cost and benefits of the REACH adaptations. This consultation covers:

- information on general views on the impacts of EDCs and the measures to manage the impacts
- more detailed questions about the ambitions and relevance of chemical legislation in the EU and views on the revision of REACH Annexes
- evidence of the potential direct and indirect economic, social, and environmental impacts of the proposed changes to REACH Annexes to include standard information requirements for EDCs

Stakeholders are invited to submit their opinion on REACH adaptations to include standard information requirements for EDCs by the deadline of 8 October 2021.

More information can be found at:
https://survey.alchemer.eu/s3/90370480/EDC-Targeted-Consultation

Integrated water management – revised lists of surface and groundwater pollutants

Legal Status: Draft law

The European Commission's initiative on integrated water management, which was initially published on 23 October 2020, aims to strengthen existing European Union (EU) legislations that protect human health and environment from the adverse effects of water pollution.

In December 2019, a Fitness Check (FC) was carried out that evaluated various EU water legislations:

- the Water Framework Directive (WFD)
- the Environmental Quality Standards Directive (EQSD)
- the Groundwater Directive (GWD)
- the Floods Directive (FD)

This review concluded that improvement was needed for various areas such as chemical pollution, integrating water objectives into other legislation, implementing rules, investments, administrative simplification, and digitalization. With regards to chemical pollution, the review found that the aforementioned legislations do not address emerging pollutants such as pharmaceuticals, (micro)plastics, and per- and polyfluoroalkyl substances. Consequently, the aquatic environment is less protected and there's an increased risk to human health and the environment.

This initiative addresses the chemical pollution and legal obligation (to regularly review the lists of pollutants affecting surface and groundwater) issues highlighted in the FC. A review is proposed for the list of priority substances in surface

waters (Annex X of WFD), their environmental quality standards (in EQSD), and the lists of pollutants and standards in groundwater (Annexes I and II of GWD).

The public consultation, which will run between 26 July 2021 to 1 November 2021, will seek views on the review of the list of pollutants present in surface and groundwater.

More information can be found at:
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12662-Integrated-water-management-revised-lists-of-surface-and-groundwater-pollutants_en

Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement

Legal Status: Draft Amendment

The European Commission published a proposal for a regulation to amend Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by European Union (EU) Member States from 2021 to 2020. The proposal relates to the extension of an existing action to achieve the EU 2030 greenhouse gas emission reduction target of at least 55% compared to 1990.

The major changes are listed below:

- changed the EU's target of reducing greenhouse gas emissions by 30% below 2005 levels by 2030, to a new target of 40% reduction in greenhouse gas emissions below 2005 levels by 2030
- updated the baseline years for determining the annual emissions level limit for years 2021 to 2029:
  - in 2021 and 2022, the limit defined by a linear trajectory is based on the emissions during 2016, 2017 and 2018
  - in 2023, 2024 and 2025, the limit defined by a linear trajectory is based on the emissions up to 2022
  - in 2026 to 2030, the limit defined by a linear trajectory is based on the emissions up to 2024
- added that if, by 2030, the EU has met its goal of reducing greenhouse gas emissions by 55% compared to 1990, an additional reserve for emissions will be established in the EU Registry that would allow participating Member States to receive an additional quantity from the reserve if needed

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52021PC0555

Submitted restrictions under consideration – dechlorane plus

Legal Status: Draft amendment

The European Chemicals Agency (ECHA) is consulting on restrictions for dechlorane plus (CAS No.: 13560-89-9) and any of its isomers, due to its very persistent and very bioaccumulating properties. Dechlorane plus is used as a flame retardant in adhesives/sealants and polymers. The proposed restrictions will restrict the manufacture, use, and placing on the market of dechlorane plus as substances, constituents of other substances, mixtures, and articles.

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Comments must be provided to ECHA before the deadlines (first deadline for comments on restriction report: 28 July 2021; Final deadline for comments on restriction report: 3 January 2022). Submitting comments by the first deadline will ensure they are considered in the first discussion of the proposed restriction.

More information can be found at:
https://echa.europa.eu/hu/restrictions-under-consideration/-/substance-rev/28201/term

Restriction intention for Per- and polyfluoroalkyl substances (PFAS) and 2nd Stakeholder Consultation on a Restriction for PFAS

Legal Status: Draft amendment

Germany, Denmark, the Netherlands, Norway, and Sweden submitted a Restriction Intention to the European Chemical Agency (ECHA) on 15 July 2021 for Per- and polyfluoroalkyl substances (PFAS). The scope of the restriction would include the manufacture, placing on the market, and use of PFAS in the European Union internal market.

The PFAS in scope are those with the structural formula X-(-CF2-)n-X' with n equal to or larger than 1 and X, X' not being H (thus including X-CF3). Meaning fluorinated substances that contain at least one aliphatic carbon atom that is both, saturated and fully fluorinated, i.e., any chemical with at least one perfluorinated methyl group (-CF3) or at least one perfluorinated methylene group (-CF2-), –), including branched fluoroalkyl groups and substances containing ether linkages, fluoropolymers and side chain fluorinated polymers.

These countries are currently preparing the REACH Annex XV Restriction Dossier (expected date of submission is 15 July 2022), and are asking stakeholders to submit relevant information on PFAS, focusing on use, tonnages, emissions, alternatives, substitution costs, etc. Further information is being requested for the following use categories (summary reports on each category are available in the consultation survey):

- lubricants
- construction products
- metal plating & manufacturing of metal products
- PFAS production (manufacturing)
- TULAC (textiles, upholstery, leather, apparel, and carpets)
- petroleum & mining
- F-gas uses
- electronics & energy
- transportation
- waste

The consultation is not intended as an opportunity to provide feedback on the essential use concept or on the (chemical) scope of the proposed restriction. Furthermore, the use of PFAS in fire-fighting foams is not part of this call for evidence; ECHA is preparing a separate Annex XV restriction dossier on this use.

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More information can be found at:
Official legislation
https://link.webropolsurveys.com/Participation/Public/c4d58b80-5227-4f31-b656-92bc0669e41e
Additional information
https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18663449b?utm_source=echa-weekly&utm_medium=email&utm_campaign=weekly&utm_content=20210721&_cldee=Y2lhcmEudGhydXNoQGNoZW1pY2Fsd2F0Y2guY29t&recipientid=lead-03dc9dd70a48ea11

United Kingdom

Notifying exports of Prior Informed Consent chemicals for 2022

Legal Status: Announced

Great Britain's (GB) Health and Safety Executive (HSE) issued a notice to invite companies to start submitting notifications for the export of chemicals which are found on GB's Prior Informed Consent (PIC) substance list. The PIC Regulation controls the import and export of some hazardous chemicals to and from GB. The PIC list also contains chemicals which are banned for export from GB.

Under the PIC Regulation, parties interested in exporting chemicals on the list must submit a notification to the PIC Designated National Authority at least 35 days prior to the intended export date. The export notification form and supporting guidance documents can be found on HSE's website and completed forms can be submitted to ukdna@hse.gov.uk.

More information can be found at (in German):
https://content.govdelivery.com/accounts/UKHSE/bulletins/2ec9346

UK REACH testing proposals

Legal Status: Draft amendment

The United Kingdom Health and Safety Executive (HSE) have opened consultations under UK REACH for the following four substances:

- 2-ethylhexyl 10-ethyl-4,4-dimethyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (CAS No.: 57583-35-4, EC No.: 260-829-0) used in polymers, in the manufacture of plastic products (https://consultations.hse.gov.uk/crd-reach/testing-proposal-001/)
- 2,2-dimethyl-3-oxopropyl dodecanoate (CAS No.: 102985-93-3, EC No: 468-880-2) used in adhesives, glues, sealants (https://consultations.hse.gov.uk/crd-reach/testing-proposal-002/)
- hexyl salicylate (CAS No.: 6259-76-3, EC No.: 228-408-6) used in washing & cleaning products, in the manufacture of paper, rubber and plastic products (https://consultations.hse.gov.uk/crd-reach/testing-proposal-003/)
- 1-(4-(acetyloxy)-3-((acetyloxy)methyl)phenyl)ethenone (CAS No.: 24085-06-1, EC No.: 921-042-4) used as an intermediate (https://consultations.hse.gov.uk/crd-reach/testing-proposal-004/)

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The consultations are regarding the hazard endpoint for which vertebrate testing was proposed. Interested companies can provide scientifically valid information and studies that address the relevant substance and hazard endpoint(s) no later than 30 September 2021 by filling an online survey.

More information can be found at:
https://consultations.hse.gov.uk/consultation_finder/?sort_on=iconsultable_modifieddate&sort_order=descending&advanced=&keyword=REACH+proposal

NORTH AMERICA

United States

Significant New Use Rules on Certain Chemical Substances (Batches 19-2.F and 20-8.B)

Legal Status: Published

The US Environmental Protection Agency (EPA) published final significant new use rules (SNURs) for several batches under the Toxic Substances Control Act (TSCA). The manufacturers/processors/importers of these substances must notify the EPA through submitting a Significant New Use Notice (SNUN) at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA made an appropriate determination on the notice and has taken risk management actions as a result of the decision. There are 56 substances covered under this final rule:

- SNUR Batch 19-2.F: There are 23 substances covered under this final rule. No substance was found to pose a risk under current uses, but future uses may carry risks. Rule is effective 18 October 2021
- SNUR Batch 20-8.B: No substance was found to pose a risk under current uses, but future uses may carry risks. Rule is effective 18 October 2021. The substances under this SNURs batch 20-8.B are as follows:
  - rosin adduct ester, polymer with polyols, compd. with ethanolamine (generic) (No CAS available)
  - rosin adduct ester, polymer with polyols, potassium salt (generic) (No CAS available)
  - 1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate (CAS No.: 13431-57-7)

Penalties for non-compliance include imprisonment up to 15 years and/or a fine of up to $250,000; a convicted organization may be subject to a fine of up to $1,000,000.

More information can be found at:
Federal Register
https://www.federalregister.gov/documents/2021/08/18/2021-17392/significant-new-use-rules-on-certain-chemical-substances
SNURs on certain chemical substances
https://www.iaeg.com/elements/pdf/USA_SNURs_on_Certain_Chemical_Substances.pdf

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Federal register Batch 19-2.F
https://www.federalregister.gov/documents/2021/08/18/2021-17388/significant-new-use-rules-on-certain-chemical-substances-19-2f
List of SNURs Batch 19-2.F
https://www.iaeg.com/elements/pdf/USA_SNURs_Batch_19-.F.pdf
Federal register Batch 20-8b
https://www.federalregister.gov/documents/2021/08/16/2021-17389/significant-new-use-rules-on-certain-chemical-substances-20-8b

Safer Chemical Ingredient List

Legal Status: Published

The US Environmental Protection Agency's (EPA's) Safer Chemical Ingredients List (SCIL) lists chemical ingredients, arranged by functional-use class, that the Safer Choice Program has evaluated and determined to be safer than traditional chemical ingredients. The list supports manufacturers in finding safer chemicals. On 10 August 2021, EPA updated the list with 36 new substances. All chemicals in the listing are among the safest for their functional use.

- Green circle – The chemical has been verified to be of low concern based on experimental and modelled data
- Green half-circle – The chemical is expected to be of low concern based on experimental and modelled data
- Yellow triangle – The chemical has met Safer Choice Criteria for its functional ingredient class but has some hazard profile issues. Specifically, a chemical with this code is not associated with a low level of hazard concern for all human health and environmental endpoints
- Grey square – This chemical is not acceptable for use in products that are candidates for the Safer Choice label. All labeled products that contain it must reformulate per Safer Choice Compliance Schedules

Companies should consult the list when choosing chemicals and looking for safer chemical alternatives that are in line with the Safer Choice Program.

More information can be found at:
General information
https://www.epa.gov/saferchoice/safer-ingredients
Safer Chemical Ingredient List
https://www.iaeg.com/elements/pdf/USA_Safer_Chemical_Ingredients_List.xls

EPA releases preliminary data for 2020 Toxics Release Inventory Reporting, including first ever reporting on PFAS

Legal Status: Published

The US Environmental Protection Agency (EPA) published preliminary data and the report on chemical emissions, waste management and pollution prevention actions. Data are collected through Toxic Releases Inventory (TRI) Program during 2020 from almost 21,000 federal and industrial facilities. The report for the first time contains information on emissions related to 172 per-and polyfluoroalkyl substances (PFAS).

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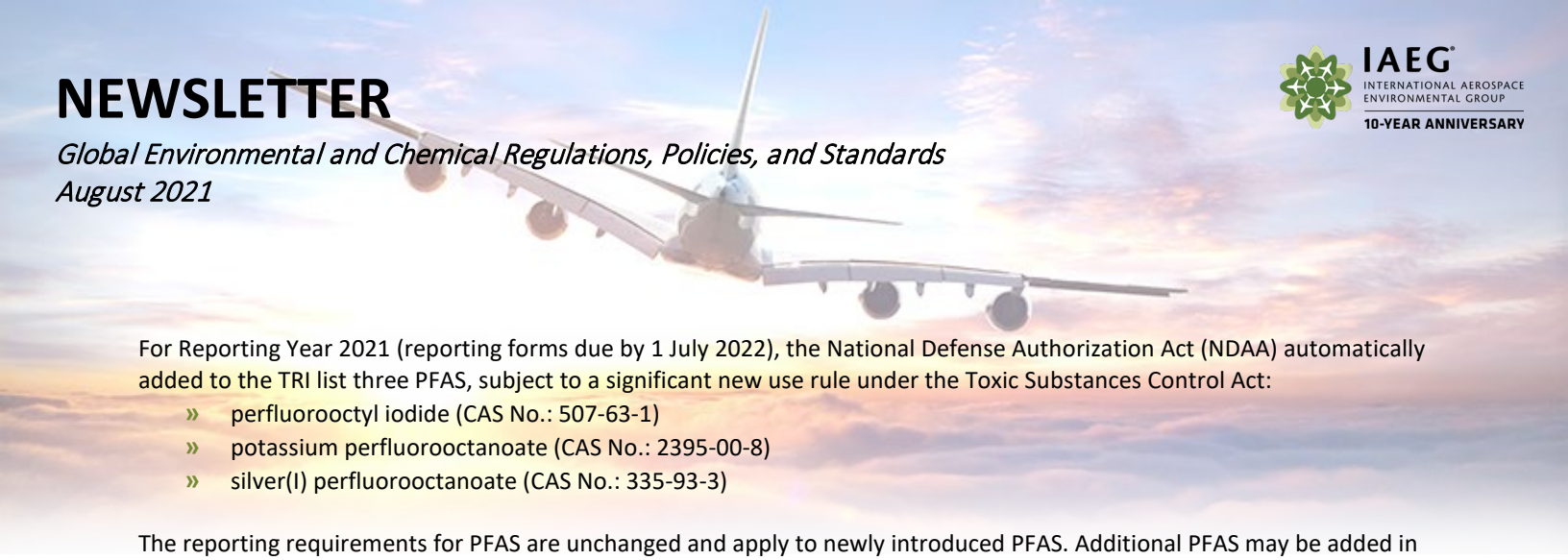

For Reporting Year 2021 (reporting forms due by 1 July 2022), the National Defense Authorization Act (NDAA) automatically added to the TRI list three PFAS, subject to a significant new use rule under the Toxic Substances Control Act:

- perfluorooctyl iodide (CAS No.: 507-63-1)
- potassium perfluorooctanoate (CAS No.: 2395-00-8)
- silver(I) perfluorooctanoate (CAS No.: 335-93-3)

The reporting requirements for PFAS are unchanged and apply to newly introduced PFAS. Additional PFAS may be added in the future to the list.

Companies in TRI-covered industry sectors should begin tracking and collecting data on three newly listed chemicals during 2021. In addition, companies should comply with the TRI reporting guidelines.

More information can be found at:
General information
https://www.epa.gov/newsreleases/epa-releases-preliminary-data-2020-toxics-release-inventory-reporting-including-first
PFAS reporting resources
https://ordspub.epa.gov/ords/guideme_ext/f?p=guideme:gd-title:::::title:pfas_resources

IRIS final assessment of tert-butanol, and ethyl tertiary butyl ether (ETBE)

Legal Status: Draft amendment

The US Environmental Protection Agency (EPA) released the final report of Integrated Risk Information System (IRIS) assessment on toxicological review of tert-butyl alcohol (tBA) and Ethyl tertiary butyl ether (ETBE). tBA is used as a solvent, and alcohol denaturant in the manufacture of flotation agents, fruit essences, and perfumes. It is also used as an octane booster in gasoline. ETBE is also used as a fuel additive to increase octane rating to meet air pollution reduction goals under the US Clean Air Act.

The reference dose for ETBE increased from 0.5 to 1 milligram/kilogram/day (mg/kg/day), while the reference dose of tBA remained unchanged at 0.4 mg/kg/day.

Interested parties and the public are invited to provide their comments to the link provided in the EPA IRIS Assessment webpage.

More information can be found at:
Tert-butyl alcohol (tBA)
https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=348442
Ethyl tertiary butyl ether (ETBE)
https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=348436

Consultation on IRIS toxicological review of perfluorobutanoic acid (PFBA)

Legal Status: Draft amendment

The US Environmental Protection Agency (EPA) has opened a consultation period and invited interested parties to express their views and concerns on the reference doses of perfluorobutanoic acid (PFBA). PFBA is a short-chain PFAS that may be generated as a degradation product of other PFASs that are used in stain-resistant fabrics, carpets, and packaging materials.

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The reference doses were published in the Integrated Risk Information System (IRIS) draft assessment, which only considers the hazard of the chemicals, not the exposure potentials. The reference dose for lifetime exposure and the sub-chronic exposure are 0.001 and 0.007 milligram/kilogram/day, respectively, but the agency has medium confidence in these results. Exposure is possible via inhalation, ingestion, and dermal contact with PFBA-containing products.

Interested parties and the public are invited to provide their comments to the link provided in the EPA IRIS Assessment webpage. Additionally, EPA announced the call for nominations of members to a PFAS IRIS Review Panel that will review the assessments.

More information can be found at:
https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=350051

Reporting and recordkeeping requirements for perfluoroalkyl and polyfluoroalkyl substances

Legal Status: Draft amendment

The Environmental Protection Agency (EPA) previously published a proposal for the reporting and recordkeeping requirements regarding per- and polyfluoroalkyl substances (PFAS) under the Toxic Substances Control Act (TSCA). The proposal would require certain entities that manufacture (including import) or have manufactured these chemical substances in any year since 1 January 2011 to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards.

The initial deadline of 27 August 2021 for comments has been extended to 27 September 2021.

More information can be found at:
General information
https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0549-0001

PFAS Action Act

Legal Status: Draft law

The US House of Representatives has approved the PFAS Action Act (HR 2467) to address per- and polyfluoroalkyl substances (PFASs). The Act would instruct the EPA to:

- amend the Toxic Substances Control Act (TSCA) section 5 (Manufacturing and Processing Notices) to immediately mandate for five years "an unreasonable risk" determination and prohibition for any PFAS notification under the new chemicals program
- amend TSCA section 4 (Testing requirements) to require, no later than two years post-enactment, PFAS producers and processors to conduct health and safety studies for compounds in goods and the environment
- within a year:
  - integrate into the EPA's Safer Choice certification PFAS-free goods such as cookware, food packaging, upholstered furniture, cleaning articles, and stain-, water- or grease-resistant coatings
  - provide guidance to minimize handling of PFAS-containing firefighting foam by first responders

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The bill allows five years for the EPA to investigate PFAS compounds by subclasses and make informed decisions in the future.

The bill now heads to the Senate for consideration as the next step in becoming law.

More information can be found at:
https://www.congress.gov/bill/117th-congress/house-bill/2467

Oceania

Update to Australian Inventory of Industrial Chemicals

Legal Status: Published

The Australian Inventory of Industrial Chemicals (Inventory) is a searchable database of around 40,000 chemicals that are being manufactured or imported into Australia for industrial use. The following industrial chemicals have been added to the Australian Inventory of Industrial Chemicals:

- neodecanoic acid, ethenyl ester, polymer with butyl 2-propenoate, ethenyl acetate and sodium ethenesulfonate (1:1) (CAS No.: 82199-03-9)
- formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol (CAS No.: 158800-93-2)
- 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with butyl 2-propenoate, ethenylbenzene, 2-ethylhexyl 2-propenoate and methyl 2-methyl-2-propenoate, bis(1-methyl-1-phenylethyl) peroxide-initiated (CAS No.: 1323360-50-4)
- hexanedioic acid, polymer with 2,2-dimethyl-1,3-propanediol, 2-octyldodecyl ester, 2-cyano-3,3-diphenyl-2-propenoate (CAS No.: 862993-96-2)
- butanoic acid, 3-oxo-, 1,1'-[2-[(1,3-dioxobutoxy)methyl]-2-ethyl-1,3-propanediyl] ester (CAS No.: 22208-25-9)
- hexanedioic acid, polymer with 1,2-propanediol, octyl ester (CAS No.: 82904-80-1)
- 5-isobenzofurancarboxylic acid, 1,3-dihydro-1,3-dioxo-, polymer with 2,2-dimethyl-1,3-propanediol, 1,2-ethanediol and 1,3-isobenzofurandione (CAS No.: 186688-25-5)

Manufacturers and importers of the substances listed above must complete a form (see link below) to inform the Department of Health of the introduction of the substance into Australia. There is no fee to complete this form. Submission of the form will help the Department decide if the substance needs to be reassessed.

Penalties for non-compliance include fines.

More information can be found at:
Chemicals added to the inventory
https://www.industrialchemicals.gov.au/news-and-notices/chemicals-added-inventory-5-years-after-issue-assessment-19-july-2021
Form submittal
https://www.industrialchemicals.gov.au/submit-information-meet-your-specific-information-requirement

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