IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

Newsletter

Global Environmental and Chemical Regulations, Policies and Standards

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NEWSLETTER

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

WHO IS IAEG?

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

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

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

IAEG WORK GROUP 9 NEWSLETTER

The Aerospace and Defense (AD) industry is committed to developing an approach to help the AD industry evaluate emerging global environmental and chemical regulations and their impact on compliance and potential operational risk for companies and their supply chain. The objectives are to:

- Maintain a list of global regulations, policies and standards considered and to be considered, including executive summaries of those regulations.
- Develop a method to evaluate designated emerging regulation's potential impact on compliance and/or operational risk, business continuity and/or impact on supply chain.
- Develop summaries of the associated timeline for regulations (e.g., deadlines) and highlight the specific impacts.
- Develop communication materials and conduct informational webinars, as appropriate, for member companies and/or AD supply chain companies, as appropriate.

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

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South Africa

Suspension of the implementation of the Regulations to Domesticate the Requirements of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade for 12 months (in effect)

The Minister of Forestry, Fisheries, and the Environment suspended for a period of 12 months the implementation of the Regulations to Domesticate the Requirements of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ("Regulations"; published: 12 May 2021). The 12-month suspension allows sufficient time to ensure compliance with Article 5 of the Rotterdam Convention, which outlines the procedures for banned or severely restricted chemicals. This includes South Africa's obligation to notify the Secretariat of the Convention of the implementation of the Regulations. The Regulations apply to:

- importers and exporters of the chemicals listed in Annex III of Rotterdam Convention
- pesticides and industrial chemicals controlled under South African legislation

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

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

More information can be found here.

China

Finalization of the list of controlled ozone depleting substances for import and export in China (in force)

On 26 October 2021, the Chinese Ministry of Ecology and Environment and the Ministry of Commerce and General Administration of Customs finalized the import- and export-controlled ozone depleting substances (ODSs) list. The draft

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version of this list was published on 16 August 2021. The list contains 68 controlled substances including hydrofluorocarbons. After 1 November 2021, the enforcement date of the list, the following will be required:

- the six previously published batches of lists of import and export controlled ODSs will be repealed
- the Chinese government will implement an import and export license management system for the substances in the list, where anyone engaged in importing and exporting substances in the list must:
  - follow the provisions of the Administrative Measures for the Import and Export of ODSs
  - submit an application for import and export licenses to the Ministry of Commerce or the Ministry of Commerce after being approved by the National Ozone Depleting Substance Import and Export Administration Office
- the import and export of trichlorotrifluoroethane (CFC-113; CAS No. 76-13-1) and carbon tetrachloride (CAS No. 56-23-5) and export of methyl chloroform (CAS No. 71-55-6) shall not take place – these activities are prohibited

The Administrative Measures for the Import and Export of ODSs regulation implements the Montreal Protocol on Substances that deplete the ozone layer and strengthens China's import and export management of ODSs.

Penalties for non-compliance with the List and its requirements include fines and/or imprisonment.

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

Strengthening the prevention and control of heavy metal pollution (consultation)

On 24 November 2021, China's Ministry of Ecology and Environment published a notice to seek public feedback on the further strengthening of the prevention and control of heavy metal pollution (the Draft). The consultation ended on 3 December 2021. The main goals of the Draft are:

- the nationwide discharges of key heavy metal pollutants from key industries shall be reduced by 5% by 2025 compared to 2020
- a sound mechanism for the prevention and control of heavy metal pollution shall be established by 2035

The prevention and control of heavy metal pollution focuses on:

- heavy metal pollutants – lead, mercury, cadmium, chromium, arsenic, and thallium
- industries:
  - leather tanning industry
  - lead storage battery manufacturing industry
  - electroplating industry
  - manufacturing industry of chemical raw materials and chemical products
  - heavy non-ferrous metal smelting industry (including regeneration smelting)
- mining and dressing industry of heavy non-ferrous metal mines (including associated ores)
- areas of prevention and control of heavy metal pollution:
  - elimination of production capacities involving heavy metals in accordance with regulations
  - prohibition of new production processes of polyvinyl chloride (PVC) by calcium carbide method using mercury
  - ensure that the amount of mercury used in the production of PVC using calcium carbide method per tonne does not exceed 49.14 grams
  - include heavy metal pollutant discharge units in the management of pollutant discharge permits including the application, modification, and renewal of pollutant discharge permits

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- include enterprises in key industries and related facilities such as stacking yards, tailings ponds, etc. into the scope of Double Random & One Public[1] supervision

More information can be found in the Draft Notice and the Instructions to Draft Notice.

Update to the Inventory of Existing Chemical Substances in China to add 11 substances (draft amendment)

On 2 December 2021, the Chinese Ministry of Ecology and Environment (MEE) published a notice that proposes the addition of 11 substances to the Inventory of Existing Chemical Substances in China (IECSC). The IECSC is a chemical inventory of existing chemical substances that have been produced or imported within the territory of China before 15 October 2003. All chemicals listed in the inventory can be imported into China without new chemical notification or registration obligations to the MEE.

The list is currently a draft for which the comment period ended on 15 December 2021. Once the list is finalized, the listed substances will no longer need to be registered as new substances in China. This may impact manufacturers and importers within China.

Information can be found in Chinese in the IECSC draft update and in this link to MEE.

Recommended list of alternatives to hydrochlorofluorocarbons in China (consultation)

On 23 November 2021, the Ministry of Ecology and Environment (MEE) asked for consultation on a recommended list of alternatives to Hydrochlorofluorocarbons (HCFCs) to phase out HCFCs in line with the Montreal Protocol on Substances that Deplete the Ozone Layer. The main goals of the consultation are to:

- clarify the use, types, and main application areas of the alternatives to HCFCs
- highlight the zero Ozone Destruction Potential (ODP) and Global Warming Potential (GWP) values of alternatives

The List provides 24 alternative substances that may be used to replace the following HCFCs:

- 1,1-dichloro-1-fluoroethane (HCFC-141b; CAS No. 1717-00-6)
- 1-chloro-1,1-difluoroethane (HCFC-142b; CAS No. 75-68-3)
- chlorodifluoromethane (HCFC-22; CAS No. 75-45-6)

There are four types of alternatives to nine cleaning agents in the list, namely, hydrocarbon solvents; chlorinated hydrocarbon solvents; alcohol-soluble silicone oils and solvent-free silicone oils; and alcohol ether solvents. In addition, there are nine refrigerants and six foaming agents.

MEE sought feedback from universities and industry associations located in China, and the feedback was due by 31 December 2021.

Information can be found in the Recommended List of Alternatives to HCFC and in its instructions.

[1] Double Random & One Public supervision is a method where the enterprises and inspectors (who inspect the selected enterprises) are selected randomly. The inspectors will publish any results from the inspection including any issues.

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Japan

Publication of the name of new chemical substances for the Industrial Safety and Health Law (published)

The Japanese Ministry of Health, Labor and Welfare added 1,2,7,8-diepoxyoctane (CAS No. 2426-07-5) to the list of existing chemical substances under the Industrial Safety and Health Law (ISHL). This substance and other existing substances can be found through the link to the ISHL inventory. In Japan, new chemical substances being manufactured or imported are required to be notified under the ISHL and the Chemical Substances Control Law. Under the ISHL, manufacturers and importers of substances classified as existing chemical substances do not need to notify the substances to the Ministry as new chemical substances.

Substances are added to the ISHL inventory one year after they have been notified to the Ministry as new chemical substances. The ISHL inventory applies to substances manufactured in or imported to Japan for workplaces uses and is intended to protect workers from harm.

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

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

Poisonous and Deleterious Substances Control Law (draft amendment)

On 1 December 2021, the Japanese Ministry of Health, Labor and Welfare (MHLW) opened a consultation on the revision of the List of Poisonous and Deleterious Chemicals. The List is designated under the Poisonous and Deleterious Substances Control Law (PDSCL). The PDSCL was implemented in 1950 to control poisonous and deleterious substances to protect public health and imposes a license requirement on manufacturers, importers, and sellers of such substances. Additionally, PDSCL requires persons engaged in relevant businesses to meet the prescribed standards for manufacturing or storing equipment of poisonous or deleterious substances and to comply with requirements on storing, labelling, or transferring procedures when handling these substances.

The following amendments to the PDSCL are proposed:

- addition of a deleterious substance: 4-methylbenzenesulfonic acid (CAS No. 104-15-4) preparations containing over 5% of the acid
- removal of a deleterious substance: bis(2-methylpropyl)3,3'-[ethane-1,2-diylbis(oxyethane-2,1-diylsulfandiyl-4,1-phenylene)]bis(2-cyanoprop-2-enoate) (CAS No. 2260706-63-4)
- designation of two poisonous substances as deleterious substances:
  - preparations containing less than or equal to 0.1% of sodium o-(ethylmercurithio)benzoate (CAS No. 54-64-8]
  - preparations containing less than or equal to 0.5% to 1.5% of 2,3,5,6-Tetrafluoro-4-methylbenzyl (Z)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (CAS No. 79538-32-2)

The aforementioned amendments to the PDSCL are proposed to be adopted on 28 January 2022 and enforced on 1 February 2022. Comments were due to MLHW on 30 December 2021.

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

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Philippines

Chemical Control Order for Hydrofluorocarbons (in force)

On 13 October 2021, the Philippines government's Department of Environment and Natural Resources (DENR) published a Chemical Control Order (CCO; DAO No. 2021-31) that aims for an 80% reduction in the use and importation of hydrofluorocarbon (HFC) by 2045. The CCO is aligned with the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. CCOs either restrict, ban, or gradually phase out substances in the Philippines. They are issued for chemicals that pose an unreasonable risk to public health and the environment.

The CCO on HFCs includes all 18 HFCs from Annex F of the Kigali Amendment to the Montreal Protocol. The CCO aims to:

- ensure the proper implementation of the existing framework and introduce appropriate prevention-based programs to mitigate, reduce, and eliminate the risks of HFCs
- increase awareness on the toxicity of HFCs and the availability of technically superior and safer alternatives
- reduce the risk of HFC exposures to human health and the environment

The CCO sets out the following HFC phase-down schedule in accordance with the Kigali Amendment to the Montreal Protocol:

- by 2024 – freeze baseline HFC consumption at the average annual levels from 2020 to 2022 (the Philippines does not produce or export HFCs) and 65% of hydrochlorofluorocarbon (HCFC) baseline production/consumption
- by 2029 – reduce baseline HFC consumption by 10%
- by 2035 – reduce baseline HFC consumption by 30%
- by 2040 – reduce baseline HFC consumption by 50%
- by 2045 – reduce baseline HFC consumption by 80% (importation of the remaining 20% recorded baseline consumption shall be permitted for the servicing sector)

HFC importers, dealers, resellers, retailers, and service providers are required to register with the Environmental Management Bureau (EMB). The EMB will establish an import quota allocation system in 2024. Companies that imported HFCs during the period between 2020 and 2022 will be granted quota allocations and permitted to apply for a certificate of registration and pre-shipment importation clearance.

The CCO will enter into effect 15 days after its promulgation in a newspaper of general circulation and upon acknowledgement of the receipt of the copy thereof by the Office of the National Administrative Register.

Penalties for non-compliance for this CCO include fines of between ten thousand pesos (Php 10,000) but not more than fifty thousand pesos (Php 50,000) per instance of violation.

More information you can be found here.

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Russia

Approval of the procedure for preparing an inventory of anthropogenic emissions from sources and absorption by sinks of greenhouse gases (draft order)

On 26 November 2021, the Russian Ministry of Natural Resources published a draft order concerning anthropogenic emissions. This aims to establish a procedure to prepare an inventory of anthropogenic emissions from sources and removals by sinks of greenhouse gases. The inventory is required to inform state climate policy on the emissions and absorptions of greenhouse gases.

The draft order was developed in accordance with the Federal Law "On Limiting Greenhouse Gas (GHG) Emissions", which aims to decrease GHG emissions, to fulfil Russia's obligations under the United Nations Framework Convention on Climate Change. Consequently, the inventory includes data on emissions and removals of greenhouse gases specified in Annex A of the Kyoto Protocol, such as perfluorocarbons (PFCs) and sulfur hexafluoride (SF6).

The draft order sets out data necessary to assess GHG emissions and removal in addition to a list of federal executive authorities who are responsible for providing such data. The data required to prepare the inventory are set out in the appendices, with the methodological procedure given in Appendix 1. Federal executive authorities will provide the information in the draft order to the Federal Service for Hydrometeorology and Environmental Monitoring on an annual basis.

The assessment of anthropogenic emissions and removals will apply to all sectors and all categories of sources and sinks, as determined by the classifications of the Intergovernmental Group of Experts on Climate Change. The following areas are exempt from the draft order:

- non-anthropogenic emissions and removals of greenhouse gases
- categories for which there is no economic or other activity that leads to emissions or removals in the territory of the Russian Federation

When preparing the inventory, the Federal Service for Hydrometeorology and Environmental Monitoring will provide and thus monitor estimates of anthropogenic emissions and removals of GHGs. The following sectors are amongst those whose emissions and removals, since 1990, will be estimated:

- energy
- industrial processes and product use
- waste

The public consultation period for this draft order concluded on 9 December 2021.

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

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European Union

Regulation (EU) 2021/2030 amending Annex XVII to Regulation (EC) No 1907/2006 of REACH regarding N,N-dimethylformamide (published)

On 22 November 2021, the European Commission amended Annex XVII of REACH to restrict the solvent N,N-dimethylformamide (DMF; CAS No. 68-12-2; EC No. 200-679-5) on the European Union market. DMF is reported to be toxic to reproduction, an acute toxicant, and an eye irritant. Annex XVII contains the restrictions on the manufacture, placing on the market, and use of certain dangerous substances, mixtures, and articles.

Entry 76 for DMF is added to Annex XVII of the REACH Regulation. The new entry includes the following prohibitions and restrictions:

- DMF cannot be placed on the market, manufactured, or used as a substance on its own, as a constituent in other substances, or in mixtures in a concentration equal to or greater than 0.3% after 12 December 2023. This applies unless manufacturers, importers, and downstream users have included in the relevant chemical safety reports and safety data sheets, Derived No-Effect Levels (DNELs) relating to exposure of workers (for DMF) of 6 milligrams per cubic meter (mg/m3) for exposure by inhalation and 1.1 milligram per kilogram per day for dermal exposure
- by way of derogation from the bullet above, DMF cannot be placed on the market for use, or used, as a solvent in direct or transfer polyurethane coating processes of textiles and paper material or the production of polyurethane membranes after 12 December 2024) and DMF cannot be placed on the market for use, or used, as a solvent in the dry and wet spinning processes of synthetic fibers after 12 December 2025

Penalties for non-compliance vary by Member State.

More information can be found here.

Regulation (EU) 2021/2045 amending Annex XIV to Regulation (EC) No 1907/2006 of REACH (published)

On 24 November 2021, the European Commission amended Annex XIV of REACH to include endocrine disrupting properties for four phthalates:

- bis(2-ethylhexyl) phthalate (DEHP; CAS No. 117-81-7; EC No. 204-211-0)
- benzyl butyl phthalate (BBP; CAS No. 85-68-7; EC No. 201-622-7)
- dibutyl phthalate (DBP; CAS No. 84-74-2; EC No. 201-557-4)
- diisobutyl phthalate (DIBP; CAS No. 84-69-5; EC No. 201-553-2)

These chemicals were identified to have negative health impacts, such as endocrine disrupting properties and reproductive toxicity. DEHP was also identified for its effect on the environment.

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Annex XIV lists substances of very high concern that require authorization before they can be placed on the market. Annex XIV is updated regularly in line with recommendations from the European Chemicals Agency. Amendments to Annex XIV remove some previously exempted uses, which will now require authorization. This includes mixtures containing any of the four phthalates at concentrations equal to or above 0.1% and below 0.3% by weight.

Companies must apply by 14 June 2023 to authorize uses of any of the chemicals in mixtures equal to or above the 0.1% and below the 0.3% limit.

Penalties for non-compliance vary by Member State.

More information can be found here.

Simplification and digitalization of labelling requirements (draft amendment)

The European Commission (EC) proposed an action to simplify labelling requirements for some categories of chemicals and chemical products and the use of digital labelling. The main objective is to increase the effectiveness of communicating essential information on chemicals, including safety and product use-instructions.

Policy decisions to realize this goal include:

- simplifying information, e.g., by removing or adding information (relevant to the CLP Detergents Regulations only)
- changing the way in which specific information is currently provided, e.g., from the physical label to digital means (relevant to the CLP, Detergents and Fertilising Products Regulations)

The EC have opened a public consultation on this initiative to seek feedback from consumers, professional and non-professional product users, industry, civil society organizations, national authorities, and other relevant interested stakeholders. Comments must be provided to the EC by 16 February 2022.

More information can be found here.

Calls for comments and evidence for 10 phthalates in Annex XIV (consultation)

Following an assessment of available information, the European Chemicals Agency (ECHA) perceives no need to prepare and submit an Annex XV restriction dossier for 10 phthalates (the sunset date has passed or no applications for authorization have been submitted). ECHA is therefore seeking information from European Union (EU) Member States, companies, and organizations with an interest in the ten specified phthalates to determine if ECHA's conclusion not to implement a restriction is valid at this point. An Annex XV restriction dossier is required when the sunset date under Annex XIV of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) has passed and the use of the respective substances is deemed to be inadequately controlled, as per Article 69 (2) of REACH. Annex XIV to the REACH Regulation lists substances of very high concern that require authorization before they can be placed on the market.

The ten phthalates subject to this call for evidence are:

- Entries 33-39 (phthalates in Annex XIV of REACH for which the sunset date has passed):
  - diisopentylphthalate (CAS No. 605-50-5; EC No. 210-088-4),
  - 1,2-benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich (CAS No. 71888-89-6; EC No. 276-158-1)

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  - 1,2-benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters (CAS No. 68515-42-4; EC No. 271-084-6)
  - 1,2-benzenedicarboxylic acid, dipentyl ester, branched and linear (CAS No. 84777-06-0; EC No. 284-032-2)
  - bis(2-methoxyethyl) phthalate (CAS No. 117-82-8; EC No. 204-212-6)
  - dipentyl phthalate (CAS No. 131-18-0; EC No. 205-017-9)
  - n-pentyl-isopentylphthalate (CAS No. 776297-69-9; EC No. 933-378-9)
- Entries 44-46 (Phthalates in Annex XIV of REACH for which no applications for authorization were submitted before 27 August 2021 as their latest application deadline):
  - 1,2-Benzenedicarboxylic acid, dihexyl ester, branched and linear (CAS No. 68515-50-4; EC No. 271-093-5)
  - Dihexyl phthalate (CAS No. 84-75-3; EC No. 201-559-5)
  - 1,2-benzenedicarboxylic acid, di-C6-10-alkyl esters or mixed decyl and hexyl and octyl diesters with ≥ 0.3% of dihexyl phthalate (CAS Nos. 68648-93-1 and 68515-51-5; EC Nos. 272-013-1 and 271-094-0)

The ten phthalates all function as additives to polymeric materials and have been classified for category 1B reproductive toxicity. ECHA has not received any applications for authorization of these phthalates and expects that their use in articles has been largely phased out within the EU, although uses exempt from the authorization may continue. Thus, ECHA intends to further investigate the ten phthalates in articles under a wider investigation into ortho-phthalate use due to their similar human health and environmental concerns. These ortho-phthalates are listed under the Restriction Roadmap to be proposed by the European Commission as part of the Chemical Strategy for Sustainability.

To validate their conclusion, ECHA is seeking evidence, information and, comments from interested parties on the aforementioned ten phthalates by 26 January 2022.

More information can be found here.

Consultations for testing proposals for 18 substances (consultation)

The European Chemicals Agency (ECHA) is currently inviting third parties to submit scientifically valid information and studies related to following substances and their hazard endpoints:

- hexadecyltrimethoxysilane (CAS No. 16415-12-6; EC No. 240-464-3)
- saccharomyces cerevisiae cell wall, extracted (EC No. 949-711-6)
- 1,2-diacetoxybut-3-ene (CAS No. 18085-02-4; EC No. 421-720-5)
- 1,3-benzenediamine, coupled with diazotized m-phenylenediamine, acetates (CAS No. 84281-74-3; EC No. 282-617-7)
- 4,4'-methylenediphenyl diisocyanate (CAS No. 101-68-8; EC No. 202-966-0)
- 4-methylmorpholine (CAS No. 109-02-4; EC No. 203-640-0)
- C,C'-azodi(formamide) [CAS No. 123-77-3; EC No. 204-650-8]
- diundecyl phthalate (CAS No. 3648-20-2; EC No. 222-884-9)
- magnesium metaborate (CAS No. 13703-82-7; EC No. 237-235-5)
- reaction products of 5,5-dimethylhydantoin and ethylene oxide (EC No. 701-388-0)
- reaction products of amines, polyethylenepoly-, tetraethylenepentamine fraction, and copper sulphate (1:1) [EC No. 701-400-4]
- reaction products of amines, polyethylenepoly-, triethylenetetramine fraction, and copper sulphate (1:1) [EC No. 701-399-0]

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- reaction products of diazotized 4,4-diaminodiphenylamine-2-sulfonic acid, subsequently coupled with 6-amino-4-hydroxynaphthalene-2-sulfonic acid, further diazotized, and coupled with metaphenylendiamine, sodium salts (EC No. 939-382-7)
- reaction products of tetrazotized 5-amino-2-[(E)-2-(4-amino-2-sulfophenyl)ethenyl]benzenesulfonic acid with 6-amino-4-hydroxynaphthalene-2-sulfonic acid and 4-amino-5-hydroxynaphthalene-2,7-disulfonic acid in 2-[bis(2-hydroxyethyl)amino]ethanol [EC No. 916-899-6]
- sulphamidic acid (CAS No. 5329-14-6; EC No. 226-218-8)
- SUMILIZER GP (EC No. 442-450-4)
- tetraammineplatinum dichloride (CAS No. 13933-32-9; EC No. 237-706-5)
- vinylene carbonate (CAS No. 872-36-6; EC No. 212-825-5)

These substances are used in the following sectors: manufacture of bulk, large scale chemicals, and manufacture of fine chemicals; leather, paper, or wood products; adhesives and sealants; rubber and plastic products; and scientific research and development.

Scientifically valid information and studies for the relevant substances and hazard endpoint(s) were due on 10 January 2022.

More information can be found here.

ECHA harmonized classification and labelling consultation on two substances (draft amendment)

The European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of two substances:

- copper (CAS No. 7440-50-8; EC No. 231-159-6) – used in:
  - formulation or re-packing at industrial sites and in manufacturing
  - building constructions (e.g., in wiring, plumbing, and weatherproofing)
  - transport sector (e.g., as component in motors, wiring, radiators, connectors, brakes, and bearings);
  - manufacturing of electronic products
  - consumer uses (e.g., metals, metal working fluids, welding, and soldering products, cosmetics and personal care products, modelling clay, and metal surface treatment products)
- pyraclostrobin (ISO); methyl N- (2 - {[1- (4-chlorophenyl) -1H-pyrazol-3-yl] oxymethyl} phenyl) N-methoxy carbamate (CAS No. 175013-18-0; EC No. Not Available) – used as a fungicidal agent in plant protection products

Interested parties should comment by 28 January 2022.

More information can be found here.

Call for evidence: Microplastics pollution – measures to reduce its impact on the environment (consultation)

The European Green Deal, the new Circular Economy Action Plan, and the European Union (EU) Plastics Strategy announced measures to tackle pollution from microplastics (small plastic pieces of less than 5 millimeters) that are intentionally added to products (e.g., cosmetics, detergents, paints) and that are unintentionally released into the environment (e.g., from tires and synthetic textiles).

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The EU Action Plan 'Towards Zero Pollution for Air, Water and Soil' states that by 2030, the EU should reduce plastic litter at sea by 50% and microplastics by 30%. In this regard, the European Commission has published a call for evidence for the initiative on tackling unintentionally released microplastics. The initiative will focus on labelling, standardization, certification, and regulatory measures for the main sources of microplastics.

This call for evidence is open for feedback. The target group for this are companies (manufacturers, suppliers, distributors, importers etc), trade associations, scientific bodies, and any other stakeholders holding relevant information relating to the intentional use of microplastic particles.

Comments for the call for evidence were due on 28 December 2021.

More information can be found here.

Sweden

Amendment to Ordinance (1998: 944) on prohibitions etc. in certain cases in connection with handling, importing, and exporting chemical products (published)

On 8 November 2021, Sweden amended their Ordinance (1998: 944) on prohibitions etc. in certain cases in connection with handling, importing, and exporting chemical products. The original Ordinance was issued on 25 June 1998 and implemented by the Swedish Chemicals Agency (KEMI). The Ordinance does not apply to chemical products and biotechnological organisms that are covered by the Food Act (2006: 804), the Act (2006: 805) on feed and animal by-products, and the Pharmaceuticals Act (2015: 315).

The main amendments to the Ordinance include:

- adding "oxo-degradable plastic" (Section 1, which contains a list of substances that are subject to prohibitions)
- adding a definition for oxo-degradable plastic (Section 4) – plastics containing additives that cause the plastics to decompose by oxidation into plastic particles or other micro-fragments, or to be chemically degraded
- adding information regarding the prohibition of oxo-degradable plastic (Section 4c) – it is prohibited to place on the Swedish market a product that consists wholly or partly of plastic that is oxo-degradable and that can be used as the main structural component in end products

The amendment became in force on 1 January 2022.

Penalties for non-compliance of the Ordinance include fines and/or and imprisonment.

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

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United Kingdom

UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) – Per- and Polyfluoroalkyl Substances (PFAS) Regulatory Management Options Analysis – Call for Evidence (consultation)

On 2 December 2021, the United Kingdom (UK) Health Safety Executive (HSE) opened a call for evidence for per- and polyfluoroalkyl substances (PFAS). Interested parties may submit information and/or evidence concerning the manufacture, import, marketing, and use of PFAS in the UK. This will assist the HSE and the Environment Agency to prepare a Regulatory Management Options Analysis (RMOA) for PFAS under the UK REACH Regulation.

The main aim is to assess the risks posed by PFAS and identify and recommend the best approach to protect human health and the environment from any identified risks. The final report is expected to be published on the HSE website in the summer of 2022.

Comments for the call for evidence must be provided by 30 January 2022.

More information can be found here.

United States

Significant New Use Rules on Certain Chemical Substances (21-2.5e) (draft amendment)

The United States Environmental Protection Agency (EPA) published proposed significant new use rules (SNURs) for SNUR Batch 21-2.5e under the Toxic Substances Control Act (TSCA). SNUR Batch 21-2.5e consists of 24 substances.

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 makes an appropriate determination on the notice and has taken risk management actions as a result of the decision.

Comments were due to EPA on 27 December 2021.

More information can be found in the Federal Register and this list of substances.

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Brazil

Law No. 14.250 – Controlled disposal of materials, fluids, transformers, capacitors, and other electrical equipment contaminated by polychlorinated biphenyls (PCBs) and their waste (in force)

On 25 November 2021, Brazil published Law No. 14.250, which enforces the controlled disposal of polychlorinated biphenyls (PCBs) and their waste, and the decontamination and disposal of transformers, capacitors, and other equipment contaminated by PCBs. This Law aims to complement the provisions provided by the Stockholm Convention on Persistent Organic Pollutants.

Legal entities that use or have under their care PCBs or items contaminated with PCBs (e.g., transformers, capacitors, other equipment, materials, oils, or other substances) have certain obligations, which include:

- removal of PCBs from operation and promote an environmentally adequate final destination, provided for in the Stockholm Convention on Persistent Organic Pollutants
- preparing, keeping available and sending the PCB inventory to the competent environmental agency within 3 years of the publication of Law No. 14.250
- being registered in the Federal Technical Register of Potentially Polluting Activities or Users of Environmental Resources

The provisions of Law No. 14.250 apply to all holders of PCBs or their waste regardless of the origin of their PCB liabilities and to companies that carry out auctions of electrical equipment. These companies are obliged to keep a record of all invoices for the purchase and sale of the electrical equipment.

Penalties for non-compliance for Law No. 14.250 include fines and/or imprisonment. This will be determined in accordance with Law No. 9.605 of 12 February 1998.

More information can be found here in Portuguese.

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