IAEG™
INTERNATIONAL AEROSPACE ENVIRONMENTAL GROUP

# Newsletter

## Global Environmental and Chemical Regulations, Policies and Standards

# Stay Informed!

January 2022
VOL. 2, ISSUE 1

# NEWSLETTER

*Global Environmental and Chemical Regulations, Policies, and Standards*
*January 2022*

## 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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ASIA

## China

### China issues technical guidelines to screen chemical substances for priority evaluation (in force)

On 21 December 2021, the Chinese Ministry of Ecology and Environment published the Technical Guidelines for Priority Evaluation of Chemical Substances. These guidelines became in force on 1 January 2022.

The main aims of the guidelines are:

- to reduce the environmental risks posed by chemical substances
- standardize the priority evaluation of screening chemicals
- implement the "Environmental Protection Laws of the People's Republic of China"

The "Environmental Protection Laws" were established to protect and enhance the environment. This is achieved by preventing and controlling pollution and other public hazards, safeguarding public health, promoting the construction of ecological civilization, and promoting sustainable economic and social development.

The guidelines apply to the screening of chemical substances that are prioritized for evaluation in environmental risk assessments. Chemical substances are prioritized if there is evidence indicating a potential for environmental risk. This includes chemicals that enter the environment during production and use, in addition to degradation products.

There are also reporting obligations and a screening process provided in the guidelines. In particular, the process and results of prioritizing chemical screening should be documented in a report, which would include the information listed under Article 6 of the guidelines. The data collection must include hazard and exposure data, persistence and bioaccumulation data, and auxiliary information, including physical and chemical data related to the environmental exposure of chemical substances

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

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

### The Chinese Ministry of Ecology and Environment adds 11 substances to the Inventory of Existing Chemical Substances in China (published)

On 22 December 2021, the Chinese Ministry of Ecology and Environment (MEE) announced the addition of the 11 substances to the Inventory of Existing Chemical Substances in China (IECSC):

- 3,4-dimethylbenzaldehyde (CAS No. 5973-71-7)
- 4-amino-N-(4-aminophenyl)benzenesulphonamide (CAS No. 16803-97-7)
- 4-(trifluoromethyl)benzoic acid (CAS No. 455-24-3)
- propanoic acid, 2-hydroxy, $C_{12-13}$-branched alkyl esters (CAS No. 1471312-26-1)

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- N,N'-carbonyldiimidazole (CAS No. 530-62-1)
- L-alaninol (CAS No. 2749-11-3)
- benzyl glycidyl ether (CAS No. 2930-05-4)
- 1H-1-benzazepine-1-acetic acid, 3-amino-2,3,4,5-tetrahydro-2-oxo-, 1,1-dimethylethyl ester, (3S)- (CAS No. 109010-60-8)
- 4'-bromomethyl-biphenyl-2-carboxylic acid tert-butyl ester (CAS No. 114772-40-6)
- N-phenylguanidine (CAS No. 2002-16-6)
- 6-Bromo-3-methyl-3H-dibenz[f,ij]isoquinoline-2,7-dione (CAS No. 81-85-6)

These substances were manufactured in or imported into China before 15 October 2003, which fulfilled the supplementation criteria but missed the previous supplementation window. They are now regulated as IECSC and are free from new chemical registration or notification requirements under the Measures for the Ecology and Environmental Management Registration of New Chemical Substances (MEE Order No. 12).

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

More information can be found here in Chinese.

## Japan

### 2022 Schedule for manufacturing/importing new chemical substances in low quantities (published)

On 14 December 2021, Japan's Ministry of Economy, Trade, and Industry (METI) published the 2022 schedule for companies to notify new chemical substances manufactured or imported below ten tonnes per year, under the Chemical Substances Control Law (CSCL). Applications must be submitted and approved before manufacture or import can take place.

Under the CSCL, substances are divided into the categories of existing and new chemicals. New chemicals must be notified and evaluated by METI, the Ministry of Labor and Welfare and the Ministry of the Environment at least three months prior to manufacture or import.

Penalties for non-compliance include fines up to one million yen and/or imprisonment up to three years.

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

### Law concerning examination and regulation of manufacturing, etc. of chemical substances (draft amendment)

The Japan law concerning the examination and regulation of manufacture, etc. of chemical substances serves to prevent pollution to the environment by implementing a system to examine the toxic properties of chemical substances. Under the law, a person intending to manufacture or import new chemical substances must notify the Ministry of Health, Labor, and Welfare, the Ministry of Economy Trade, and Industry, and the Ministry of the Environment of such substances in advance. The ministries examine the notification and decide whether further action is necessary.

The amendment to this law suggests that the substances listed under Annex A be free from this notification requirement. These substances are already regulated in Japan as Class I and Type 2 specified chemical substances under the Chemical Substances Control Law and, therefore, no further risk assessment is necessary.

Comments were due on 6 February 2022.

More information can be found in the instructions, summary, and list of substances in English. Additional information can be found here in Japanese.

### Japan opened consultation to add 234 substances to Schedule 9 of the Enforcement Order of the Industrial Safety and Health Law (consultation)

On 16 December 2021, the Japanese Ministry of Health, Labor, and Welfare opened a consultation to add 234 substances to Schedule 9 of the Enforcement Order of the Industrial Safety and Health Law, with corresponding content thresholds for providing Safety Data Sheets and labels in Schedule 2 of Ordinance on Industrial Safety and Health. The consultation ended on 14 January 2022 and the revisions are expected to be released in February 2022 and implemented in April 2024.

These 234 substances will require mandatory risk assessment for chemical manufacturers and downstream users, but not for importers.

More information and the list of substances can be found here in English and in Japanese.

## Malaysia

### Amendments to the Schedule of Prohibition on the Use of Substances of the Occupational Safety and Health Order (Prohibition of the Use of Substances) Amendment 202X (draft amendment)

On 24 December 2021, Malaysia's Department of Occupational Safety and Health (DOSH) opened a consultation on the draft proposed amendments to Schedule of Prohibitions on the Use of Substances, Safety, and Health Orders Employment (Prohibition of Use of Substances) Amendment 202X. DOSH is seeking comments and feedback from stakeholders such as authorities, professionals, industry parties, laboratories, researchers, and academics.

The draft amendments suggest prohibition to the substances below:

- 4-aminobiphenyl (CAS No. 92-67-1), benzidine (CAS No. 92-87-5), 2-naphthylamine (CAS No. 91-59-8), 4-nitrobiphenyl (CAS No. 92-93-3), their salts, or any material containing the aforementioned substances [total concentration of the substance(s) contained is equal to or greater than 0.1%] used for any purpose except research or analytical
- asbestos in the form of amosite (CAS No. 12172-73-5), fibrous anthophyllite (CAS No. 77536-67-5), tremolite (CAS No. 77536-68-6), or actinolite (CAS No. 77536-66-4) used for any purpose except research or analytical
- benzene (CAS No. 71-43-2) and any substance containing benzene in a concentration equal to or greater than 0.1% when used for cleaning and degreasing
- carbon disulphide (CAS No. 75-15-0) and any substance containing carbon disulphide in a concentration equal to or greater than 3% when used for cleaning and degreasing
- carbon tetrachloride (CAS No. 56-23-5) and any substance containing carbon tetrachloride in a concentration equal to or greater than 1% when used for cleaning and degreasing

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- n-hexane (CAS No. 71-43-2) and any substance containing n-hexane in a concentration equal to or greater than 3% when used for cleaning and degreasing
- sand or other substance containing free silica or known as crystalline silica in a composition greater than 1% when used as an abrasive media in the blasting process

Interested parties should provide their comments by 24 February 2022.

More information you can be found here in English and in Malay.

## Saudi Arabia

### Technical regulations for glues and adhesives (published)

On 17 December 2021, Saudi Arabia published technical regulations for glues and adhesives. The main aims of the regulation are:

- to determine the basic requirements for glues and adhesives
- to define the conformity assessment procedures that suppliers must abide by during the presentation and placement of these products in Saudi Arabia

Annex 1 details the list of adhesives and glues in scope of the regulation and the corresponding International Standards Organization (ISO) standards that must be adhered to. Articles 4 and 5 of the technical regulations outline obligations for suppliers of glue and adhesive products, which includes:

- to design and manufacture products so that they do not pose a threat to human health and the environment
- to limit the total weight of toluene contained in products to 0.1%
- to provide and prove the safety of the product, whether in an attached document or in the explanatory data
- to ensure compliance with the required conformity assessment procedures (outlined in Article 6)
- to meet the packaging requirements such as ensuring the product packaging materials are free of substances harmful to human health and the environment
- to meet the labelling requirements for products (outlined in Article 5)

If the product does not comply with the provisions of the technical regulations, according to Article 9(1), the manufacture, import, placing, displaying, and advertising of the product will be prohibited.

The technical regulations will be in force on 15 June 2022. Penalties for non-compliance are provided in Article 9 of the technical regulations and they include:

- taking all necessary measures to remove the non-compliant product and its effects from the market
- cancelling any relevant certificates of conformity for the non-compliant product
- issuing penalties such as fines and/or imprisonment according to the Anti-Commercial Fraud Law

More information can be found here in Arabic.

# South Korea

## Revisions to regulations on classification and labeling of chemical substances (published)

The Korean National Institute of Environmental Science published a partial revision of the regulations on classification and labeling of chemical substances on 28 December 2021. The regulations stipulate details of classification criteria for hazardous substances, notification and public notice of the hazard examination results, and mandatory labelling elements of hazardous substances and mixtures. According to the revision, new toxic substances must be labeled in accordance with the Chemicals Control Act by 1 January 2023.

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

Information on the list of revised and newly designated toxic substances can be found in English in the classification of hazardous chemicals display list. Additional information can be found here in Korean.

## Notice on Designation of Toxic Substances adds new chemical substances to the Toxic Chemicals Substance List (published)

On 28 December 2021, South Korea's National Institute of Environmental Research (NIER) published the Notice on Designation of Toxic Substances (the Notice). Following provisions of the Registration and Evaluation of Chemical Substances Act (the Act), this Notice revises several substances. It also specified five new chemical substances that meet the criteria for designation and are added to the Toxic Chemicals Substances List (TCSL).

By 1 January 2023, manufacturers and importers of newly designated toxic substances must register, mark, label, and file an import declaration of toxic substances in accordance with the Act and implement handling standards for hazardous chemicals, established by the Enforcement Rules of Chemicals Control Act.

By 1 July 2024, companies that manufacture, sell, store, transport, use or handle newly designated hazardous chemicals must obtain a hazardous chemical business license. Also, companies that install or operate hazardous chemicals handling facilities must prepare and submit a chemical accident prevention management plan.

By 1 July 2026, companies handling newly designated hazardous chemicals must comply with the standards for installation and management of hazardous chemical handling facilities, described in the Enforcement Rules of the Chemicals Control Act.

Below is a summary of regulatory timelines:

- published and enforcement date: 28 December 2021
- deadline for registration of newly designated substances: 1 January 2023
- deadline to adjust the labels: 1 January 2023
- deadline for filing import declarations: 1 January 2023
- deadline to prepare management plan: 1 July 2024
- deadline to obtain a hazardous chemical business license: 1 July 2024
- deadline to comply with the Enforcement Rules of Chemicals Control Act standards: 1 July 2026

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

More information can be found in English in the designation notice of toxic substances. Additional information can be found here in Korean.

### Ministry of Environment added acrylamide to its Restricted Substances List (in force)

On 29 December 2021, South Korea's Ministry of Environment added acrylamide (CAS Number: 79-06-1) to its Restricted Substances List, which will limit its use. Acrylamide is primarily used industrially to make polyacrylamide, but also in adhesives. Acrylamide, or mixtures containing 0.1% or above of the substance, shall have the following restrictions:

- manufacturing or importing will be banned from 1 July 2023
- use in grouting will be banned from 1 July 2023
- sale, storage, transporting, and other uses will be banned from 1 January 2024

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

More information can be found here in Korean.

## Taiwan

### Extension of the standard registration period for 106 existing substances to 2024 (published)

On 23 November 2021, Taiwan's Environmental Protection Agency (EPA) published amendments to the Regulations on the Registration of New Chemical Substances and Existing Chemical Substances. The amendments extend the registration deadline for the first batch (106 substances) of Priority Existing Chemicals (PECs) to December 2024. The extension is in response to COVID-19 and follows a consultation for the amendments with relevant stakeholders.

The standard registration of PECs mandates chemical companies to submit nine pieces of information in the registration process. The standard registration of PECs mandates chemical companies to submit nine pieces of information in the registration process (see Appendix 3 of the Regulations on the Registration of New Chemical Substances and Existing Chemical Substances for further information):

- general information on substance identification and the registrant
- substances manufacture and use information, and exposure information
- Globally Harmonised System (GHS) hazard classification
- safe use information
- physical and chemical properties
- toxicological information
- ecotoxicological information
- hazard assessment report
- exposure assessment report

The EPA will allow companies to submit data for the first seven information items above and plans for hazard and exposure assessments (items eight and nine above). However, the assessment reports must be submitted to the EPA by 31 December 2024.

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Penalties for non-compliance include fines up to NT$ 300,000 for each violation. If the business does not make improvements to comply with the amendments within the allocated time twice, it may be ordered to stop work, suspend business, or re-export the chemical substances.

More information and the list of 106 substances can be found here in English and in Chinese.

# EUROPE

## European Union

### The European Chemicals Agency notified of two chemicals to registry of intentions of substances of very high concerns until Outcome (published)

Member States Sweden and Norway have notified the European Chemicals Agency (ECHA) of two substances to be added to the Registry of Intention of substances of very high concern (SVHCs):

- Notified by Sweden: N-(hydroxymethyl)acrylamide (CAS No. 924-42-5; EC No. 213-103-2) used in the manufacture of polymers and as a cross-linking agent in adhesives and binders for paper products and textiles
- Notified by Norway: 2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol (CAS No. 79-94-7; EC No. 201-236-9) used in the manufacture of polymers

Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs. The “registry of SVHC intentions until outcome” aims to make interested parties aware of the substances for which an SVHC dossier is planned to be submitted to ECHA. If a substance is identified as an SVHC, it will be added to the Candidate List for eventual inclusion in the Authorization List.

Next steps include submission of the dossier to ECHA, followed by multiple cycles of consultation to determine inclusion into the Candidate List.

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

More information can be found here.

### Amendment to Annex XVII of REACH regarding carcinogenic, mutagenic, or reproductive toxicant substances (in force)

On 14 December 2021, the European Union (EU) published Regulation (EU) 2021/2204, which expands the list of carcinogenic, mutagenic, or reproductive toxicant (CMR) category 1B substances under Entries 28 to 30 of Annex XVII of the REACH Regulation. These changes are in accordance with the new classification of CMR substances under Regulations (EU) 2020/1182 and (EU) 2021/849.

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Entries 28 to 30 prohibit the placing on the market and use, for supply to the general public, of substances that are classified as CMR categories 1A or 1B and listed in Appendices 1 to 6 to that Annex and of mixtures containing such substances above specified concentrations.

CMR substances adopted from Regulation (EU) 2021/849 shall be effective from 17 December 2022. These substances include the following that are relevant to the aerospace and defense industry:

- silicon carbide fibers (with diameter < 3 µm, length > 5 µm and aspect ratio ≥ 3:1) [EC No. 206-991-8; CAS Nos. 409-21-2 and 308076-74-6) used in aircraft engine components;
- N-(hydroxymethyl)acrylamide (EC No. 213-103-2; CAS No 924-42-5) used in thermoplastic polymers, and as a cross-linking agent in adhesives and binders
- 6,6'-di-tert-butyl-2,2'-methylenedi-p-cresol (EC No. 204-327-1; CAS No. 119-47-1) used in hydraulic fluids, lubricants, adhesives and sealants
- 2-(4-tert-butylbenzyl)propionaldehyde (EC No. 201-289-8; CAS No. 80-54-6) used in coating products
- diisooctyl phthalate (EC No. 248-523-5; CAS No. 27554-26-3) used in adhesives

CMR substances adopted from Regulation (EU) 2020/1182 shall be effective from 1 March 2022. CMR substances adopted from Regulation (EU) 2021/849 shall be effective from 17 December 2022.

Penalties for non-compliance vary by Member State.

More information can be found here.

## Four hazardous chemicals added to the candidate list of substances of very high concern (in force)

On 17 January 2022, the European Chemicals Agency (ECHA) added four substances of very high concern (SVHCs) to the REACH Regulation Candidate List:

- 6,6'-di-tert-butyl-2,2'-methylenedi-p-cresol (DBMC; EC No. 204-327-1; CAS No. 119-47-1); toxic for reproduction; uses include as an antioxidant or stabilizer in the manufacture of polymers and as an additive in the rubber industry, as well as in lubricants, greases, adhesives, sealants, hydraulic fluids, and metal working fluids
- (±)-1,7,7-trimethyl-3-[(4-methylphenyl)methylene]bicyclo[2.2.1]heptan-2-one covering any of the individual isomers and/or combinations thereof (4-MBC; EC No. not available; CAS No. not available); endocrine disrupting properties (human health); used as a UV filter in cosmetics and personal care products
- tris(2-methoxyethoxy)vinylsilane (EC No. 213-934-0; CAS No. 1067-53-4); toxic for reproduction; used to manufacture rubber and plastic, to formulate non-metal surface treatment solutions or dispersions and in sealants
- s-(tricyclo[5.2.1.02,6]deca-3-en-8(or 9)-yl) o-(isopropyl or isobutyl or 2-ethylhexyl) o-(isopropyl or isobutyl or 2-ethylhexyl) phosphorodithioate (EC No. 401-850-9; CAS No. 255881-94-8); persistent, bioaccumulative, and toxic (PBT); used to formulate lubricants and greases that are used by professional workers and at industrial sites

Substances that may have serious and often irreversible effects on human health and the environment can be identified as SVHCs and may be placed on the Authorization List in the future. Inclusion on this list will mean that the use of the substances will be prohibited unless a company receives an authorization to continue its use from the European Commission.

With the four substances on the Candidate List, there are certain obligations including:

- article suppliers must notify SVHCs to ECHA's "Substances of Concern In articles as such or in complex objects (Products)" (i.e., SCIP) database under the Waste Framework Directive

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- suppliers of articles containing a Candidate List substance above a concentration of 0.1 % (weight by weight) have to give sufficient information to their customers and consumers to allow safe use
- suppliers of these substances have to provide their customers with a safety data sheet

In addition to the aforementioned obligations, importers and producers of articles have to notify ECHA if their article contains any of the four Candidate List substances by 17 July 2022.

Penalties for non-compliance vary by Member State.

More information can be found in the announcement on the four hazardous materials added to the Candidate List and in the Candidate List table.

## Initiatives for mercury exemptions (adopted)

The European Commission (EC) had opened several initiatives for comments in June 2021 regarding exemptions for mercury in various uses, which ended in July 2021. Following this, the EC adopted these exemptions, which are for:

- mercury in metal halide lamps
- mercury in other high pressure sodium lamps for general lighting purposes
- mercury in other discharge lamps for special purposes
- mercury in fluorescent lamps for other general lighting and special purposes
- mercury in non-linear tri-band phosphor lamps
- mercury in single capped (compact) fluorescent lamps for special purposes
- mercury in other low pressure discharge lamps
- mercury in high pressure sodium lamps with improved colour rendering index
- mercury in general lighting lamps with a lifetime of 20,000 hours or more
- mercury in cold cathode & external electrode fluorescent lamps

The scientific and technical assessments, including stakeholder consultations, detailed that the exemption criteria continue to be met for the respective exemptions mentioned above as reliable substitutes are not yet available. The evaluation results also showed that the specific exemption would not weaken the environmental and health protection afforded by REACH in accordance with Article 5 of Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment ("RoHS Regulation"). The RoHS Regulation sets obligations on electrical and electronic equipment. This legislation prohibits the placing on the market of EEE, including cables and spare parts for repair, containing more than the permissible maximum concentration values of substances listed in Annex II of the legislation.

The exemptions for mercury in single capped (compact) fluorescent lamps for general purposes were revoked by the EC. Following scientific and technical assessments, including stakeholder consultations, the EC concluded that mercury-free alternatives are already available, and substituting to these alternatives have shown to result in overall savings and benefits in terms of environmental, health, and consumer safety.

Penalties for non-compliance vary by Member State.

More information can be found as follows:
Electrical equipment – mercury in metal halide lamps (RoHS exemption)
Electrical equipment – mercury in other high pressure sodium lamps for general lighting purposes (RoHS exemption)
Electrical equipment – mercury in high pressure sodium lamps with improved color rendering index (RoHS exemption)

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Electrical equipment – mercury in other discharge lamps for special purposes (RoHS exemption)
Hazardous substances – exemption for mercury in general lighting lamps with a lifetime of 20,000 hours or more
Electrical equipment – mercury in fluorescent lamps for other general lighting & special purposes (RoHS exemption)
Electrical equipment – mercury in single capped (compact) fluorescent lamps for special purposes (RoHS exemption)
Electrical equipment – mercury in non-linear tri-band phosphor lamps (RoHS exemption)
Electrical equipment – Revoking exemptions for mercury in single (compact) fluorescent lamps for general purposes
Electrical equipment – mercury in other low pressure discharge lamps (RoHS exemption)
Electrical equipment – mercury in cold cathode & external electrode fluorescent lamps (RoHS exemption)

## The European Chemical Agency proposes harmonized classification and labelling consultation on four substances (draft amendment)

On 13 December 2021, the European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of 3 substances:

- 1,4-dichloro-2-nitrobenzene (CAS No. 89-61-2; EC No. 201-923-3)
  - used in the production of pulp, paper, textiles, leather and fur
  - used as an intermediate in the production of fine chemicals, pharmaceuticals, pigments, pesticides, ultraviolet absorbers, and a laboratory agent
- ethanethiol (CAS No. 75-08-1; EC No. 200-837-3)
  - used as an odorant for natural gas, intermediate and starting material in the manufacture of plastics, insecticides, and antioxidants
- N, N'-methylenediacrylamide (CAS No. 110-26-9; EC No. 203-750-9)
  - used in the production of electrophoresis gels, and as a crosslinking agent and monomer in polymerization

Interested parties should comment by 11 February 2022.

More information on the draft amendment for these three substances can be found here.

In addition, on 17 January 2022, the European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of n-hexane (EC No. 203-777-6; CAS No. 110-54-3). This substance is used as solvent in the production of various products such as resins, glues, adhesives, polyolefins and synthetic rubbers, and fuel. It is also used for extraction of oil from seeds (e.g., from soybeans or peanuts).

Interested parties should comment by 18 March 2022.

More information n-hexane draft amendment can be found here.

## Environmental impact of waste management – revision of European Union waste framework (consultation)

The European Commission (EC) published an initiative for improving waste management under the European Union's (EU's) Waste Framework Directive (WFD) on 25 January 2022. The initiative proposes to:

- reduce waste generation including through re-use of products or components
- reduce mixed waste and increasing preparation for re-use or recycling of waste by improving separate collection

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The WFD aims to protect public health and the environment through the proper management of waste by applying the EU's waste hierarchy, which promotes waste prevention and re-use over waste recovery and disposal.

The EC opened a call for evidence from stakeholders to further develop and fine-tune this initiative. Comments for the call for evidence must be provided to the EC by 22 February 2022.

More information can be found here.

### Amendment to Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants (draft amendment)

On 17 January 2022, the European Commission (EC) published a proposal for a regulation to amend Annexes IV and V of the Regulation (EU) 2019/1021 on persistent organic pollutants (POPs; the POPs Regulation). The proposed changes include listing and introducing limits for 3 POP substances and lowering the existing limits for 5 substances that are already listed. Annexes IV and V of POPs Regulation set limits for POPs in waste and determine how waste containing POP substances should be managed in the EU. If the waste meets or exceeds the limit, it must be treated in such a way that the POP substances are destroyed or irreversibly transformed.

The substances that are subject to changes according to the proposal include:

- perfluorooctanoic acid (PFOA; CAS No. 335-67-1) and its salts and related compounds
- dicofol (CAS No. 115-32-2)
- pentachlorophenol (CAS No. 87-86-5), its salts and esters
- polybrominated diphenyl ethers (PBDEs)
- hexabromocyclododecane (HBCDD, CAS No. 3194-55-6)
- short-chain chlorinated paraffins (SCCPs)
- polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDDs/PCDFs)
- dioxin-like polychlorinated biphenyls (dl-PCBs)

The proposal is expected to be adopted by the EC between the fourth quarter of 2022 or first quarter of 2023. Interested parties must provide comments to the EC by 17 April 2022.

More information can be found in the regulation proposal and its annex.

## Slovenia

### Slovenia specifies level of penalties for generation of carbon dioxide above the allowable amounts (in force)

On 17 December 2021, the Republic of Slovenia published an amendment to the Environmental Protection Act to specify penalties for generation carbon dioxide past the allowable amount. The penalty for each tonne of excess carbon dioxide generated in 2021 is 110.45 euros.

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

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## Switzerland

### Invitation to provide information on alternative substances or technologies of substitution in response to a request for chromium trioxide use (consultation)

On 16 December 2021, the Joint Chemical Notification Body, which is under the Swiss Federal Office of Public Health, invited interested parties to submit information on substitutes for chromium trioxide (CAS No. 1333-82-0). Chromium trioxide is listed in Annex 1.17 of the Chemical Risk Reduction Ordinance that contains substances listed in Annex XIV (i.e., the list of substances that are subject to authorization) of REACH. The consultation for chromium trioxide was opened in response to a request by CABB, a leading chemicals manufacturer, to continue to use chromium trioxide as a catalyst to purify gaseous effluents from a production installation.

Information on alternative substances or technologies for chromium trioxide were due on 9 February 2022.

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

## United Kingdom

### Policy paper on the approach to including substances of very high concern on the United Kingdom REACH Candidate List (published)

On 9 December 2021, the United Kingdom's (UK's) Department for Environment, Food & Rural Affairs (DEFRA) published a policy paper on the approach to including substances of very high concern (SVHCs) on the UK REACH Candidate List. The policy paper applies to England, Scotland, and Wales, and outlines the following:

- interim principles for adding substances to the UK REACH Candidate List
- assessment of substances in the European Union (EU) REACH Candidate List pipeline
- inclusion of substances on the UK REACH Candidate List

Substances that may have serious and often irreversible effects on human health and the environment can be identified as substances of very high concerns (SVHCs). The Candidate List includes SVHCs that can be prioritized for inclusion on the Authorization List.

Following the enforcement of the UK REACH Regulation, the substances that were on the EU REACH candidate list were transferred to the UK REACH Regulation. From the substances on EU REACH Candidate List, the Health and Safety Executive and the Environment Agency prioritized four substance groups for further assessment via Regulatory Management Options Analysis (RMOA). These substances are:

- dioctyltin dilaurate, stannane, dioctyl-, bis(coco acyloxy) derivatives, and any other stannane, dioctyl-, bis(fatty acyloxy) derivatives wherein C12 is the predominant carbon number of the fatty acyloxy moiety [CAS No. not available; EC No. not available]
- 1,4-dioxane (CAS No. 123-91-1; EC No. 204-661-8)
- small brominated alkylated alcohols (SBAA) [CAS No. not available; EC No. not available]

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- phenol, alkylation products (mainly in para position) with C12-rich branched or linear alkyl chains from oligomerization, covering any individual isomers and/or combinations thereof (PDDP) [CAS No. not available; EC No. 799-972-3]

The RMOAs for the aforementioned substance groups will recommend the most appropriate route for managing any identified risks. A possible route may be the addition of the substance groups on the Candidate List under the UK REACH Regulation.

The policy paper also outlines the agreement of the DEFRA and the Welsh and Scottish Governments on the following interim principles (for including SVHCs on the UK REACH Candidate List):

- including SVHCs on the Candidate List should be used to encourage substitution away from particularly hazardous substances
- a substance should not be proposed for inclusion on the Candidate List unless it is a good candidate for the Authorization List
- RMOA, informed by calls for evidence, should be used to determine if inclusion on the candidate list is the correct route

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

More information can be found here.

## Guidance on placing manufactured goods on the market (published)

On 24 August 2021, the Department for Business, Energy & Industrial Strategy published guidance on placing manufactured goods in Great Britain. The guidance stipulates an extension to allow the CE mark (i.e., Conformite Europeenne or European Conformity) to be accepted on manufactured goods in England, Scotland, and Wales until 1 January 2023, for any products placed on the market after 1 January 2021.

After 1 January 2023, only the UKCA mark is allowed to be used for these products. The UKCA marking is the conformity assessment marking for Great Britain for goods that were previously subject to CE marking. Until 31 December 2023, the UKCA marking can be on a label affixed to the product after which the government will introduce legislation requiring the UKCA marking to be affixed directly to the product. This applies to most products, but rules differ for medical devices, construction products, marine equipment, transportable pressure equipment, and rail products. If the same product is sold in the Great Britain and EU markets, then both the CE and UKCA markings can be placed on the product.

There are no penalties directly associated with this update. Penalties vary by the legislation which requires the conformity assessment marking (CE or UKCA) on products.

More information can be found here.

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# NORTH AMERICA

## Canada

### Regulations on volatile organic compound concentration limits for certain products (published)

On 5 January 2022, the Canadian Government published the Volatile Organic Compound Concentration Limits for Certain Products Regulations (SOR/2021-268) (the Regulations) in the Canada Gazette. The Regulations aim to protect the environment and human health by setting concentration limits for volatile organic compounds (VOC) in approximately 130 categories and subcategories of products. These products are used by consumers, or in commercial or institutional applications. Examples of products include:

- adhesives, adhesive removers, sealants, and caulks
- other miscellaneous products (e.g., anti-static products and non-stick aerosol cooking spray)

The Regulations will ban the manufacture and import of products with VOC exceeding their category-specific limits unless a permit is obtained. In addition, manufacturers and importers of regulated products must keep records for at least five years. The VOC concentration limits will take effect on 1 January 2024 for all product categories except disinfectants whose effective date is 1 January 2025.

Penalties for non-compliance include fines of up to $1 million a day for each day an offence continues, imprisonment for up to three years, or both.

More information can be found here.

### Screening assessment of 22 substances of the acids and bases group specified on the Domestic Substances List (published for comments)

The Canadian government conducted a screening assessment on 22 substances of the acids and bases group specified on the Domestic Substances List. The Domestic Substances List provides an inventory of substances in the Canadian marketplace. The substances hydroxylammonium chloride, sodium hypochlorite, sodium chlorate, calcium hypochlorite, chlorine, and chlorine dioxide were previously addressed under the Priority Substance Assessment Program, but a conclusion for potential harm to human health was not determined.

On 4 December 2021, the Canadian government published a draft notice following the screening assessment of the 22 substances. The ministers propose that no further action is needed on these substances. In Canada, the 22 substances are generally used as paint and coating additives, intermediates, process regulators, and as agents for redox reactions, corrosion inhibition, anti-scaling, plating, surface treating, filler, cleaning, disinfecting, and bleaching.

Comments were due to the Minister of the Environment by 2 February 2022.

More information can be found here.

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# United States

## Significant new use rules on certain chemical substances (Batch 20-2.5e) (published)

On 10 December 2021, the US Environmental Protection Agency (EPA) published significant new use rules (SNURs) for Batch 20-2.5e under the Toxic Substances Control Act (TSCA). This became effective from 8 February 2022. SNUR Batch 20-2.5e consists of 45 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.

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 in the Federal Register and this list of substances.

## Addition of four per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) (published)

The US Environmental Protection Agency (EPA) announced on 24 January 2022 the addition of four per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory (TRI) list. This is in line with the PFAS Strategic Roadmap issued by the EPA in October 2021 and Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA), which allows for additional PFAS to be added to the TRI on an annual basis. PFAS are a large group of man-made substances used in various products such as firefighting foams, paints and coating, phosphate ester-based brake and hydraulic fluids, wires and cables, and lubricant for turbine engines, jet engine, and satellite instrumentation.

The following four PFAS were added to the TRI list:

- perfluorobutane sulfonic acid (PFBS; CAS No. 375-73-5)
- potassium perfluorobutane sulfonate (PPBS; CAS No. 29420-49-3)
- 2-propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate (CAS No. 65104-45-2)
- 2-propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, .gamma.-.omega.-perfluoro-C10-6-alkyl acrylate and stearyl methacrylate (CAS No. 203743-03-7)

From 1 January 2022, facilities that are subject to reporting requirements for the aforementioned PFAS should begin to monitor and collect data on certain activities for these chemicals. Reporting forms will be required to be submitted to EPA for facilities that manufacture, process, or otherwise use TRI-listed chemicals above the reporting threshold. Companies must report on the management, recycling, release, and waste of PFAS, including data on the quantities of PFAS released into the environment or managed as waste.

Reporting forms for the 4 newly added PFAS must be submitted to the EPA by 1 July 2023. For the 175 PFAS on the 2021 TRI list, reporting forms are due by 1 July 2022.

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No penalties for non-compliance have been established.

More information can be found in this news release and in the TRI program announcement.

## Proposed rule for chrysotile asbestos under TSCA Section 6(a) (proposed rule)

On 16 December 2021, the U.S. Environmental Protection Agency (EPA) submitted to the Office of Management and Budget (OMB) a proposed rule under Section 6(a) of the Toxic Substances Control Act (TSCA) on chrysotile asbestos. In the final Part 1 risk evaluation, EPA reviewed 32 conditions of use for chrysotile asbestos, which is the only form of asbestos known to be imported, processed, or distributed for use in the US, including in manufacturing, processing, distribution in commerce, occupational and consumer uses, and disposal.

TSCA Section 6(a) rulemaking is needed to address the unreasonable risks of chrysotile asbestos that were identified in a risk evaluation completed under TSCA Section 6(b). Part 1 of the risk evaluation for asbestos contains the agency's final determinations on which conditions of use present unreasonable risks to human health or the environment.

EPA will prepare a regulatory impact analysis as the agency develops the proposed rule. This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

More information can be found here.

## Revisions to and request for comments on the risk determination for cyclic aliphatic bromide cluster (draft amendment)

On 29 December 2021, the US Environmental Protection Agency (EPA) published a draft revision to the risk determination for cyclic aliphatic bromide cluster (HBCD) issued under the Toxic Substances Control Act (TSCA). HBCD has been used as a flame retardant in building materials including thermal insulation foams and textiles. The HBCD chemical mixture meets the EPA's criteria for being persistent, bio-accumulative, and toxic.

The next step in the process is for the EPA to take public comment on the draft revised risk determination before releasing a final revised risk determination. The EPA will pursue action under TSCA Section 6(a) to address any unreasonable risks to health and the environment. EPA will ultimately propose and take public comments on risk management measures prior to publication of the risk management measures for HBCD.

Comments for the draft revision must be provided to the EPA by 14 February 2022.

More information can be found in the Federal Register and this HBCD risk evaluation announcement from EPA.

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# Oceania

## Australia

### Industrial Chemicals (General) Legislation Amendment (2021 Measures No. 1) Rules 2021 regarding nanoscale chemicals (in force)

On 22 November 2021, Australia amended the Industrial Chemicals (General) Rules 2019 and the Industrial Chemicals (Consequential Amendments and Transitional Provisions) Rules 2019 after a consultation on nanoscale chemicals. The Industrial Chemicals (General) Rules 2019 set out the details for the regulation of the importation and manufacture of industrial chemicals in Australia under the Australian Industrial Chemicals Introduction Scheme (AICIS). The Industrial Chemicals (Consequential Amendments and Transitional Provisions) Rules 2019 cover matters relating to the changeover from the National Industrial Chemicals Notification and Assessment Scheme to AICIS which took effect on 1 July 2020. The amendments have entered into force in two waves and the main changes are summarized below.

From 23 November 2021, the following apply:

- textual amendments to clarify the criteria for introductions of chemicals at the nanoscale, how the nanoscale criteria apply in practice, and the associated record-keeping obligations
- record-keeping:
  - in the case of listed introductions, introducers have 40 working days to provide the substance name and CAS number for their chemical if asked
  - in the case of internationally-assessed (reported) introductions, introducers must keep records to prove that the volume introduced in a registration year did not exceed the volume stated in their pre-introduction report, and records to prove that the volume introduced in a registration year did not exceed the assessed volume in the overseas assessment or evaluation

From 10 December 2021, the following apply:

- introducers must report if their chemical is at the nanoscale for pre-introductions – this also applies to introductions of chemicals only used for research and development
- introducers will need to declare that they have permission to use an international assessment report from the report's owner
- record-keeping: in the case of 'designated kind of release into the environment', introducers must also record the quantity of the chemical released into the environment

Penalties for non-compliance include fines.

More information can be found in the Industrial Chemicals (General) Legislation Amendment and in the rules amendment and regulatory changes from 23 November 2021.

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