NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
May 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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ASIA

China

Air Pollution Control (Amendment) Ordinance 2021

Legal Status: Published

The Hong Kong Government published the Air Pollution Control (Amendment) Ordinance 2021 to amend the Air Pollution Control Ordinance, which contains provisions to control air pollution from stationary sources in Hong Kong. The goal is to ultimately align Hong Kong's air quality objectives with the World Health Organization's air quality guidelines.

The 2021 amendment to the Ordinance:

- reduces the 24-hour concentration limit in air of sulfur dioxide from 125 micrograms per cubic meter (µg/m^3) to 50 µg/m^3
- reduces the 24-hr concentration limit in air of suspended fine particles from 75 µg/m^3 to 50 µg/m^3
- increases the number of days on which the limit for suspended fine particles could be exceeded from 9 to 35 days per calendar year
- reduces the annual concentration limit in air of suspended fine particles from 35 µg/m^3 to 25 µg/m^3
- allows for a transitional period of 36 months for projects to apply for a variation of a permit if they receive their environmental permits before the commencement of the new air quality objectives

The commencement date for the new air quality objectives is 1 January 2022. Penalties for non-compliance include a fine up to $50,000.

More information can be found at:
https://www.elegislation.gov.hk/hk/2021/6!en

Notice on requesting opinions on "Technical Guidelines for the Screening of Priority Assessment Chemical Substances"

Legal Status: Draft notification

The Chinese Ministry of Ecology and Environment (MEE) released a notice requesting comments from authorities, institutions, and industry associations on the Draft Technical Guideline for the Screening of Priority Assessment Chemical Substances. The guideline identifies the principles, procedures, and technical requirements for screening of priority assessment substances. Once identified as priority substances, the MEE can conduct environment risk assessment of such substances to choose which will be regulated. As specified in the draft guideline, the "substances of concern" identified by international organizations and substances with high environmental impact will be included in the priority assessment list. Further, substances with severe health and environmental hazards are very likely to be selected. These hazards include:

- carcinogenic, mutagenic, or toxic to reproduction (CMR) Categories 1A/1B
- bio-accumulative and toxic (PBT) or very persistent and very bio-accumulative (vPvB)
- Aquatic Chronic Category 1

- STOT (Specific Target Organ Toxicity) RE Cat. 1 (i.e., definitely toxic to humans or toxic effect was determined in animal experiments after repeated exposure)
- substances requiring extra attention, such as high production/import tonnage band

More information can be found at (in Chinese):
http://www.mee.gov.cn/xxgk2018/xxgk/xxgk06/202105/t20210507_831958.html

India

Quality Control Order published for substances

Legal Status: Published

India's Department of Chemicals and Petrochemicals (DCF) is planning to make national chemical standards mandatory by issuing quality control orders (QCOs) for substances. The orders force companies manufacturing or importing the substance covered to ensure it adheres to its related standard, which outlines the minimum purity requirements and other technical specifications.

The DCF published a final QCO for linear alkyl benzene. After in force, the substance, which is used in lubricants and greases, must conform to Indian Standard (IS) 12795:2020 when manufactured in or imported into the country. The DCF published another final QCO for ethylene vinyl acetate, which is used in adhesives. After in force, manufacturers and importers are required to ensure the substance conforms to IS 13601:1993.

Penalties for non-compliance include fines up to 5 lakh rupees and imprisonment.

More information can be found at:
Final QCO for linear alkyl benzene
http://www.iaeg.com/elements/pdf/IND_Final_QCO_linear_alkyl_benzene.pdf
Final QCO for ethylene vinyl acetate
http://www.iaeg.com/elements/pdf/IND_Final_QCO_ethylene_vinyl_acetate.pdf
Amended order published by Department of Chemicals and Petrochemicals
https://chemicals.nic.in/notification/notification-under-bis-standard

Draft Quality Control Orders reported to the World Trade Organization

Legal Status: Draft

India's DCF is planning to make national chemical standards mandatory by issuing QCOs for substances. The orders force companies manufacturing or importing the substance covered to ensure it adheres to its related standard, which outlines the minimum purity requirements and other technical specifications.

The DCF published draft QCOs for the following substances; they will come into force 180 days after being published in the Gazette:

- acrylonitrile butadiene styrene (ABS) – used as a fuel and in rubber production and processing, which would be required to adhere to Indian Standard (IS) 17077:2019
- ethylene dichloride – predominantly used to produce polyvinyl chloride (PVC) or as a solvent, which would be required to adhere to IS 869:2020
- polycarbonate – used in moulding and extrusion materials, which would be required to adhere to IS 14434:1998

- polyurethanes – used as moulding and extrusion materials in plastics, which would be required to adhere to IS 17397 (part 1)
- vinyl chloride monomer – used almost exclusively in the production of PVC, which would be required to adhere to IS 17442:2020
- p-xylene – used in anti-freeze products, lubricants, and greases, which would be required to adhere to IS 17370:2020

Penalties for non-compliance will include fines up to 5 lakh rupees.

More information can be found at:
ABS: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_ABS.pdf
Ethylene dichloride: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_ethylene_dichloride.pdf
Polycarbonate: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_polycarbonate.pdf
Polyurethanes: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_polyurethanes.pdf
Vinyl chloride monomer: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_vinyl_chloride_monomer.pdf
p-xylene: http://www.iaeg.com/elements/pdf/IND_Draft_QCO_p-xylene.pdf

Japan

Amendment to the Law Enforcement Ordinance on the Examination of Chemical Substances and Regulation of Manufacturing, etc.

Legal Status: Published

The Japanese Ministry of Health, Labor and Welfare passed a revision to the Enforcement Ordinance of the Chemical Substance Control Law (CSCL). The key points in the revision include:

- o,p'- dicofol and PFOA and its salts are added to the list of Class I Specified Chemical Substances
- a total of 13 kinds of products that use perfluorooctanoic acid (PFOA) and its salts are designated as Products Prohibited from Importation. These include, but are not limited to, antireflection agent used in semiconductor manufacturing, paints and varnishes, water and oil repellants, adhesives and fillings for sealing, and fire extinguisher, fire extinguishing agent for fire extinguisher and foam fire extinguishing agent
- fire extinguishers, fire-extinguishing agents, and foam fire-extinguishing agents that use PFOA and its salts are designated as Products that Must Meet National Technical Standards

Class I Specified Chemical Substances under the CSCL must receive prior permission for essential uses (specified by the Cabinet Order) and other uses are prohibited.

No penalties for non-compliance have been specified.

More information can be found at:
https://www.meti.go.jp/press/2021/04/20210416010/20210416010.html

South Korea

Act on Registration and Evaluation of Chemical Substances

Legal Status: Published

South Korea has approved a series of amendments to their "Act on the Registration and Evaluation of chemical substances, etc.", also known as K-REACH. Under K-REACH, companies manufacturing or importing 100 kilograms or more a year of new substances, or one tonne or more a year of existing substances, have had to register with the Ministry of Environment (MoE) before starting the activity. Until now, K-REACH has focused on enforcing obligations on manufacturers and importers with penalties such as fines, business closures, and imprisonment. The recent amendment (Article 13, Clause 1) extends this responsibility to downstream users, manufacturers, importers, or sellers. With this, the MoE can ban these parties from producing, importing, or using unregistered substances.

The amendment will now allow the MoE to request import/export documentation relating to specific chemical substances from the relevant authorities to check whether manufacturers or importers are complying with registration or reporting requirements. Companies must comply with the request.

Penalties for a downstream user who uses or sells an unregistered substance include fines up to 50 million Won or imprisonment up to 3 years. Penalties for manufacturers or importers of unregistered chemical substances include fine up to 100 million Won or imprisonment up to 5 years.

More information can be found at (in Korean):
https://www.law.go.kr/lsSc.do?section=&menuId=1&subMenuId=15&tabMenuId=81&eventGubun=060101&query=%ED%99%94%ED%95%99%EB%AC%BC%EC%A7%88%EC%9D%98+%EB%93%B1%EB%A1%9D+%EB%B0%8F+%ED%8F%89%EA%B0%80+%EB%93%B1%EC%97%90+%EA%B4%80%ED%95%9C+%EB%B2%95%EB%A5%A0#undefined
English translation:
http://www.iaeg.com/elements/pdf/KOR_K-REACH_Amendments_english_translation.pdf

List of pre-registered substances under K-REACH

Legal Status: Published

On 9 April 2021, South Korea's MoE published an updated list of substances that require pre-registration under K-REACH. Chemical companies intended to manufacture or import the following chemical substances shall register the substances under K-REACH:

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

Pre-registration of chemical substances under K-REACH started in June 2019 for chemical substances manufactured/ imported at volumes greater than 1 ton per year. The updated list of 17,096 notified chemical substances requiring pre-registration was published by MoE which includes 78 CMR substances. The deadline for registration of CMR substances exceeding 1 ton per year and substances exceeding 1,000 tons per year is 31 December 2021.

Penalties for non-compliance include fine up to 100 million Won or imprisonment up to 5 years. 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.law.go.kr/LSW//lsInfoP.do?lsiSeq=231425&ancYd=20210413&ancNo=18034&efYd=20211014&nwJoYnInfo=N&efGubun=Y&chrClsCd=010202&ancYnChk=0#0000
Substance list in English:
http://www.iaeg.com/elements/pdf/KOR_K-REACH_PreRegistered_Substance_List_english_translation.pdf

Revision of Korean CLP: Announcement No. 2021-139 (Regulations on Classification and Labelling, etc. of Chemical Substances)

Legal Status: Draft amendment

The National Institute of Environmental Sciences has announced a Notice of Partial Amendment (proposal) to the Regulations on Classification and Labelling of Chemical Substances. The proposal consists of:

- the classification and labelling of 19 newly designated toxic substances
- amendments to the classification and labelling of existing hazardous chemicals, namely:
  - 38 existing toxic substances (Annex 4, Item A): Identification number; 97-1-9; 97-1-90; 97-1-11; 97-1-93; 97-1-111; 97-1-134; 97-1-139; 97-1-188; 97-1-208; 97-1-250; 97-1-281; 97-1-297; 97-1-299; 97-1-300; 97-1-309; 97-1-377; 97-1-416; 97-1-423; 97-1-457; 97-1-466; 2000-1-513; 2001-1-518; 2001-1-519; 2002-1-529; 2003-1-539; 2004-1-545; 2009-1-595; 2010-1-613; 2011-1-617; 2013-1-667; 2014-1-687; 2014-1-696; 2014-1-697; 2014-1-698; 2017-1-762; 2017-1-795; 2019-1-912; 2020-1-982
  - 5 restricted substances: Multi-purpose serial numbers 06-5-4; 06-5-8; 06-5-9; 06-5-11; 06-5-12
  - 5 accident-preparing materials: E-mok identification numbers 9; 18; 39; 76; 83

Individuals, institutions, and organizations can comment on this proposal until 2 June 2021.

More information can be found at:
Original text:
http://www.iaeg.com/elements/pdf/KOR_CLP_Revision.pdf
Translation:
http://www.iaeg.com/elements/pdf/KOR_CLP_Revision_english_translation.pdf

Administrative notice for revision (draft) of notification of Results of Hazard Evaluation of Chemical Substances

Legal Status: Draft amendment

South Korea's National Institute of Environmental Research is now consulting on the hazard evaluation results of chemical substances registered under K-REACH. The registered substances were issued with English chemical name and relevant information, like CAS No., corresponding hazards, classification and labelling information, and determination if it is classified as toxic chemical. The proposed updates include:

- adding hazard evaluation results of 60 new substances (Given No.2021-1 to 2021-160) -- new substance is a substance that is not listed on the Korean Existing Chemicals List
- updating the hazard evaluation results of 63 new substances previously assessed
- adding hazard evaluation results of 85 existing substances (Given No.2021-085 to 2021-2021-169) -- existing substance is a substance that was commercially distributed prior to 2 February 1991

More information can be found at (in Korean):
Substance list for new chemicals
http://www.iaeg.com/elements/pdf/KOR_Hazard_Eval_of_Chemicals_New_Chemicals.pdf
Substance list for existing chemicals
http://www.iaeg.com/elements/pdf/KOR_Hazard_Eval_of_Chemicals_Existing_Chemicals.pdf

Taiwan

Draft amendments to Prohibited Ingredients and Testing Methods for Environmental Products

Legal Status: Draft Amendment

The Taiwan Environmental Protection Agency has released a draft amendment to the Prohibited Ingredients and Inspection Methods for Environmental Drugs. The amendments make Taiwan's regulations more aligned with the Minamata Convention on production, import, and export of mercury-containing pesticides. The notice has added mercury and methylmercury as the prohibited substances of the environmental products and set the detection limit of 10 Method Detection Limit. Annex II of the amendment provides a table that compares the amendments with the existing regulation for the prohibited components.

More information can be found at (in Chinese):
https://www.tcsb.gov.tw/cp-21-4126-fa2d0-1.html
PDF of notice (the attachment from the above link):
http://www.iaeg.com/elements/pdf/TWN_Draft_Amendment_Prohibited_Ingredients.pdf

Thailand

Declaration of the hazardous substances under the authorization of Department of Industrial Works by producer, importer, exporter, or possessor

Legal Status: Published

The Government of Thailand updated the list of hazardous substances list that contains substances producers, importers and exporters must declare. The newly updated hazardous substances in this notification are the controlled chemical under Rotterdam Convention or Minamata Convention or Stockholm Convention or Montreal Protocol or United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

There are no non-compliance provisions specified.

More information can be found at (in Thai):
http://www.iaeg.com/elements/pdf/THA_Hazardous_Substance_List.pdf

Hazardous Substance Act B.E. 2535 (1992)

Legal Status: Draft notification

The Thailand Department of Industrial Works (DIW) issued a notice regarding a revision of the List of Hazardous Substances. The list is found under the Thailand Hazardous Substances Act Annex 5, Section 5.1. Hazardous substances (and mixtures) on the list are assigned a management category that determines the regulatory actions needed for compliance.

The management of triethanolamine, benzyl cyanide, and perfluorooctanoic acid (PFOA) and its related compounds are strengthened, to comply with the requirements of the Chemical Weapons Convention, International Special Surveillance List, and Stockholm Convention on Persistent Organic Pollutants.

Triethanolamine (CAS No. 102-71-6):

- concentration > 30% weight per weight (w/w): considered as type 3 hazardous substance- type 3 substances require registration & license
- concentration ≤ 30% w/w: considered as type 1 hazardous substance - type 1 substances require manufacturers and importers to notify the DIW for volumes > 1 ton/year

Benzyl cyanide (CAS No. 140-29-4):

- hazard category changed from type 1 to type 3

The following eight substances were added to the List under hazard type 4 (type 4 substances are prohibited from production, import, export, or possession in Thailand):

- perfluorooctanoic acid (CAS No. 335-67-1)
- ammonium Perfluorooctanoate (CAS No. 3825-26-1)
- sodium perfluorooctanoate (CAS No. 335-95-5)
- potassium perfluorooctanoate (CAS No. 2395-00-8)
- silver perfluorooctanoate (CAS No. 335-93-3)
- perfluorooctanoyl fluoride (CAS No. 335-66-0)
- methyl perfluorooctanoate (CAS No. 376-27-2)
- ethyl perfluorooctanoate (CAS No. 3108-24-5)

Specific exemptions for the above substances are:

- textiles for oil and water repellency
- manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of Industrial waste heat exchanger equipment and industrial sealants
- manufacture of polyfluoroethylene propylene (FEP) for the production of high-voltage electrical wire and cables for power transmission
- manufacture of fluoroelastomers for the production of O-rings, v-belts, and plastic accessories for car interiors

Penalties for non-compliance include imprisonment up to 10 years and fines up to 1 million Baht.

More information can be found at (in Thai):
http://php.diw.go.th/rubfung/upload1/file1_117.pdf

Notes of principles and reasons; Assembly of the Draft of Electrical Products and Electronic Equipment Waste Management Act B.E

Legal Status: Draft

The draft Assembly of the Draft of Electrical Products and Electronic Equipment Waste Management Act (Act) aims to regulate the management of electrical appliances and electronic equipment waste products. The types of end-of-life products, electrical appliances, and electronic devices affected by this Act will be decided and published in the gazette by the Waste Management Committee following the establishment of the Act. This Act will not apply to military electrical appliances and electronic devices.

An "Electrical Appliance and Electronic Equipment Waste Management Fund" will be established to support and promote the development of waste management operations. Manufacturers and importers will contribute to the Fund in the form of maintenance fees. All electronic waste shall be deposited at a "Take-back Centre". It is prohibited to store, throw, destroy, and/or disassemble end-of-life electronic products, unless licensed to do so.

Failure to comply will result in an administrative fine of 500 to 100,000 baht, depending on the violation.

More information can be found at (in Thai):
https://www.pcd.go.th/wp-content/uploads/2021/04/pcdnew-2021-04-23_03-20-34_060056.pdf

EUROPE

European Union

Commission delegated Regulation (EU) 2021/797 of 8 March 2021 correcting certain language versions of Annex II and Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

Legal Status: In force

The amendment corrects errors made in Danish, French, German, Italian, Polish, and Czech language versions of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling, and packaging (CLP) of substances and mixtures. The other language versions are not affected.

Errors affect Annex II and Annex VI of the CLP and relate to the scope, labelling obligations, and hazard classification of mixtures containing titanium dioxide. Annex II contains special rules for labelling and packaging of certain substances and mixtures. Annex IV contains the list of recommended precautionary statements for each hazard class and hazard category.

Penalties for non-compliance with CLP Regulation are decided by individual European Union member states.

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0797

Council Decision (EU) 2021/727 of 29 April 2021 on the submission, on behalf of the European Union, of proposals to amend Annexes A and B to the Minamata Convention on Mercury, regarding mercury-added products and manufacturing processes in which mercury or mercury compounds are used

Legal Status: In force

The European Union (EU) has adopted Council Decision (EU) 2021/727 of 29 April 2021 by which the EU shall submit proposals to amend Annexes A and B to the Minamata Convention on Mercury. Annex A contains a list of prohibited mercury-added products and their phase out dates. Annex B contains a list of manufacturing processes in which mercury or mercury compounds are used.

The proposed amendment entries include:

- button zinc silver oxide batteries and button zinc air batteries, with a mercury content < 2 %
- halophosphate phosphor linear fluorescent lamps (LFLs)
- non-electronic measuring devices: strain gauges and tensiometers
- electrical and electronic measuring devices: melt pressure transducers, transmitters and sensors, and mercury vacuum pumps
- polyurethane, both the product and the production of polyurethane

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.155.01.0023.01.ENG&toc=OJ%3AL%3A2021%3A155%3ATOC

Companies must review registration transferred from the United Kingdom

Legal Status: Published

The European Chemical Agency (ECHA) informs that all transfers of registrations following the United Kingdom's (UK's) withdrawal from the EU have now been completed. Companies should review their REACH and previously notified substances dossiers' safety information and administrative information as they might need to be revised and updated. Information on how to update a registration dossier is available on ECHA's website.

If an update is required, the timelines are as follows:

- 3 months: for changes to administrative information, changes to substance composition, changes to tonnage band, for new identified uses and new uses advised against, for changes in the access granted to information in the registration, for updates involving further testing, and for some updates of joint submissions
- 6 months: in the case of new knowledge of the risks to human health and/or the environment, for changes in the classification and labelling of the registered substance, and for testing proposals of a substance
- 9 months: for some updates of joint submissions
- 12 months: for updates or amendments of the chemical safety report or the guidance on safe use, for testing proposals of a group of substances, and for other combined updates

A total of 2,964 UK registrations were not transferred and are therefore legally void. These are now indicated as "revoked" in ECHA's database and on ECHA's website.

More information on update timelines can be found in Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32020R1435)

More information can be found at:
https://echa.europa.eu/-/companies-must-review-registrations-transferred-from-the-uk?utm_source=echa-weekly&utm_medium=email&utm_campaign=weekly&utm_content=20210428&_cldee=ZC53b3JyYWxsQHlvcmRhc2dyb3VwLmNvbQ%3d%3d&recipientid=lead-297f425932b5e9118111005056b9310e-4880f43f9a934500a2e4ad90f9ec220e&esid=e438b055-fea7-eb11-812b-005056952b31

Amending Part 1 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

Legal Status: Published

The European Commission has published amendments to the CLP Regulation (1272/2008) of substances and mixtures for the purpose of adaptation to technical and scientific progress. Annex VI of the CLP Regulation contains the requirements for preparing dossiers to propose and justify harmonized classification and labelling of substances at the EU level as well as a large list of hazardous substances for which harmonized classification and labelling have been established at the EU level.

The amendments include some changes in wording of notes to reduce inaccuracy and incorrect interpretation of legal obligations. It applies to Part 1 of Annex VI (point 1.1.3.1, notes J to R and point 1.1.3.2 notes 8 and 9) which implies the harmonized classification of carcinogens and mutagens.

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0643&from=EN

Commission Delegative Directive (EU) 2021/647 amending Annex III of EU RoHS

Legal Status: Published

On 20 April 2021, the European Commission published Delegated Directive 2021/647 amending Annex III of EU Directive 2011/65 (RoHS- Restriction of hazardous substances in electrical and electronic equipment [EEE]). Annex III contains the applications for the substances in Annex II (restricted substances list), which are exempt from the restrictions in this Directive, as well as their scope and dates of applicability.

Lead and hexavalent chromium are restricted substances listed in Annex II to EU-RoHS. The Directive amends Entry 45 of Annex III by adding an exemption for the use of certain lead and hexavalent chromium compounds in electric and electronic initiators of explosives for civil (professional) use. It applies to Category 11 and expires on 20 April 2026. Category 11 covers EEE that is not covered by any of the other 10 categories.

Additionally, the Directive states that “Member States shall adopt and publish, by 31 October 2021 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive”. Said provisions shall apply from 1 November 2021.

Penalties for non-compliance are determined by individual EU member states.

More information can be found at:
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021L0647

Proposals for new POPs: 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol; methoxychlor

Legal Status: Proposed

The ECHA have published two documents pertaining to the persistent organic polluters (POPs) currently under consideration. A draft risk management evaluation has been published regarding methoxychlor, a pesticide used both in agricultural and domestic spheres as an insecticide. A draft risk profile has been published regarding UV-328, also known as 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol. UV-328 is a UV absorber used in plastics, coatings, cosmetics, and automotive sealants.

More information can be found at:
https://echa.europa.eu/proposals-for-new-pop-s?utm_source=echa-weekly&utm_medium=email&utm_campaign=weekly&utm_content=20210519&_cldee=ai5tYXR0aGV3QHlvcmRhc2dyb3VwLmNvbQ%3d%3d&recipientid=lead-6ca6f4e0c0e0e71180fa005056952b31-4799674ee02d464e95da78115f0b8e6b&esid=49ed4b41-88b8-eb11-812b-005056952b31

Request for scientific opinion on "Draft Environmental Quality Standards for Priority Substances under the Water Framework Directive"

Legal Status: Draft standards

The European Commission has asked its Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) to give an opinion on draft EU environmental quality standards (EQSs) for priority substances under the water framework Directive. EQSs are threshold concentrations for establishing whether a water source has 'good chemical status' under the Directive. EU member states must ensure compliance with EQSs.

The first 33 priority substances were adopted in 2001, 12 substances were added in 2013, and a third review of the substance list is in progress. Several possible candidates have been identified and draft EQS have been produced for many of them.

SCHEER is now asked to provide an opinion on whether:

- the EQSs have been "correctly and appropriately" derived, in the light of the available information and the technical guidance; and
- the Commission has correctly identified the most critical EQSs, in terms of impact on either the environment or human health.

Based on SCHEER's opinions, the Commission expects to present a draft legislation in mid-2022.

More information can be found at:
https://ec.europa.eu/health/sites/default/files/scientific_committees/scheer/docs/scheer_q_022.pdf

Review of the Recommendation 2011/696/EU - Stakeholder consultation

Legal Status: Consultation

The European Commission has opened the stakeholder consultation on the review of the recommendation of its definition of a nanomaterial, in a potential step towards finally harmonizing the definition's application across the EU. The consultation aims to:

- verify or complement the findings of the review
- gather precise and structured technical feedback on the identified technical elements of the definition
- gather input on the impact of the changes under consideration and how they could influence (different) classification of specific materials

After the comment period, the Commission will start the final steps of the review. The Commission outlined its interim findings based on three Joint Research Centre reports and a stakeholder survey, an assessment, and a workshop.

More information can be found at:
Consultation
https://ec.europa.eu/environment/chemicals/nanotech/review_en.htm?_cldee=Y2lhcmEudGhydXNoQGNoZW1pY2Fsd2F0Y2guY29t&recipientid=lead-03dc9dd70a48ea1181160050056b9310e-a686616d053f44dd96b8bbea73f83c93&esid=dd9e8baf-f7b2-eb11-812b-005056952b31
Commission recommendation
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011H0696

Revision of REACH Regulation to help achieve a toxic-free environment

Legal Status: Draft amendment

The European Commission published an Inception Impact Assessment that may lead to significant changes to the REACH regulation. The aim is to better align REACH with the EU Green Deal. The Commission is considering the following measures, with a feedback period lasting from 04 May 2021 to 01 June 2021:

- revisions to registration requirements
- simplified communication in supply chains
- Revisions to dossier and substance evaluation provisions
- authorization process reform
- restriction process reform including extending the generic risk approach to restrictions to endocrine disruptors, PBT/vPvB substances, immunotoxicants, neurotoxicants, respiratory sensitizers, substances that affect specific organs, and products marketed for professional use
- revisions to enforcement provisions
- introduction of Mixture Assessment Factors

Once the feedback period is over, the Commission is aiming for a public consultation in the first quarter of 2022 and to adopt the new legislation in the fourth quarter of 2022.

More information can be found at:
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12959-Chemicals-legislation-revision-of-REACH-Regulation-to-help-achieve-a-toxic-free-environment_en

Draft commission regulation amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), as regards carcinogenic, mutagenic, or reproductive toxicant (CMR) substances

Legal Status: Draft amendment

A draft regulation amending REACH Annex XVII has been published and a feedback period is open from 5 May 2021 to 2 June 2021. Annex XVII contains the restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures, and articles. This draft regulation aims to add substances recently classified as carcinogenic, mutagenic, or toxic to reproduction to Annex XVII.

The European Commission expects to adopt this draft regulation in the fourth quarter of 2021.

More information can be found at:
About the initiative
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12700-Chemicals-regulation-REACH-updated-list-of-restricted-substances_en
Proposed list of substances and expected entry into force date
http://www.iaeg.com/elements/pdf/EUR_Proposed_Amendment_REACH_Annex_XVII_Substance_list.pdf

Draft amendment of Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning Registration, Evaluation, Authorization and Restriction of Chemicals regarding to CMR substances

Legal Status: Draft amendment

The European Commission has published a draft amendment to REACH Annex XVII. Annex XVII contains the restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures, and articles. The draft amendment prohibits the placing on the market and use, for supply to the general public, of substances that are classified as CMR toxicants, categories 1A or 1B. The full, specific list can be found in the Annex to the draft amendment.

This is a consequence of the classification of these substances as CMR category 1A or 1B under the 17th Adaptation to Technical Progress (ATP) to Regulation (EC) No 1272/2008 (CLP).

More information can be found at:
http://www.iaeg.com/elements/pdf/EUR_Draft_Amendment_REACH_Annex_XVII.pdf

Commission Delegated Regulation (EU) …/... of XXX correcting Annex VI to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

Legal Status: Draft amendment

This Delegated Regulation corrects an error made due to an oversight in Commission Regulation (EU) 2020/217. The signal word 'Dgr' in the seventh column 'Pictogram, Signal Word Code(s)' of Table 3 in Part 3 of Annex VI to Regulation (EC) No 1272/2008 (EU CLP regulation) regarding the entries concerning pentapotassium 2,2',2'',2''',2''''(ethane-1,2-diylnitrilo)pentaacetate, N-carboxymethyliminobis(ethylenenitrilo)tetra (acetic acid), and pentasodium (carboxylatomethyl) iminobis(ethylenenitrilo)tetraacetate is replaced by the signal word 'Wng'.

Suppliers are not required to change the label or the packaging of substances or mixtures containing them, which they have placed on the market in accordance with EU CLP Regulation – that is using the signal word 'Dgr' – before this Delegated Regulation enters into force.

Suppliers may classify, label, and package the above substances and mixtures containing them according to this Delegated Regulation– that is using the signal word 'Wng' – before 1 October 2021.

More information can be found at:
http://www.iaeg.com/elements/pdf/EUR_Technical_correction_CLP_Annex_VI.pdf

Estonia, Germany, Ireland, and Netherlands

Commission Implementing Decision (EU) 2021/739 of 4 May 2021 concerning the extension of the action taken by the Dutch Ministry of Infrastructure and Water Management permitting the making available on the market and use of the biocidal product Biobor JF

Legal Status: In force

The biocidal product Biobor JF is used for the preventive and curative antimicrobial treatment of aircraft fuel tanks and fuel systems. During the COVID-19 pandemic, several EU member states had permitted its use without a full authorization under the EU Biocidal Products Regulation due to the global reduction in air traffic.

Originally set to expire early this year, the Estonian Health Board has extended the deadline for the exemption to 20 June 2022. The German Federal Office for Chemicals has extended the deadline for the exemption to 6 October 2022. The Irish Department of Agriculture, Food and the Marine Ireland has extended the deadline for the exemption to 22 October 2022. The Dutch Ministry of Infrastructure and Water Management extended the deadline for the exemption to 22 October 2022.

More information can be found at:
https://eur-lex.europa.eu/eli/dec_impl/2021/739/oj

Sweden

Proposal for changes of the chemical tax to replace hazardous substances in electronics

Legal Status: Proposed

The Swedish Tax Agency and the Swedish Chemicals Agency have submitted the evaluation report of the tax on hazardous substances in electronics. This tax aims to reduce the presence of hazardous substances used as flame retardants in electronics found in people's homes. The report proposes changes in the structure of the tax and changes that will simplify the administration for taxpayers and for authorities:

- the Chemicals Tax Act's reference to chemical compounds is replaced by a definition in the law of the term flame retardant; this means that substances not used as flame retardants in electronics will not be covered by the tax
- the Chemicals Tax Act's definition of which flame retardants are to be considered reactive or additive is changed
- the highest possible deduction rate is raised from 90 percent to 95 percent.

A new deduction structure is introduced based on the flame retardants' assessed hazard in the taxable products. The flame retardants are also assessed based on whether they are additive or reactive. The division in tax deduction rates of 50 percent and 95 percent is applied by linking the current deduction provisions to substances specified in two new annexes to the law; these annexes replace the current annex. Which flame retardants are included in each annex is decided based on:

- harmonized classification in accordance with CLP or occurrence on the Candidate List in the REACH Regulation
- other data for hazard assessment, such as self-classification in accordance with CLP or so-called GreenScreen assessments used by parts of the electronics industry
- the presence of bromine, chlorine, fluorine, and/or phosphorus in the flame retardant

More information can be found at:
https://www.kemi.se/archives/news-archive/news/2021-05-18-proposal-for-changes-of-the-chemical-tax-to-replace-hazardous-substances-in-electronics.

Switzerland

Ordinance on the Rotterdam Convention on the Procedure for Prior Informed Consent for Certain Chemicals in International Trade (PIC Ordinance, ChemPICV)

Legal Status: In force

This Ordinance sets up a notification and information system for the import and export of certain substances and preparations the use of which is prohibited or subject to strict restrictions because of their effects on human health or the environment. The substance entry of Perfluorooctanoic acid, its salts and precursor compounds has been recently added to the banned or severely restricted substance list in Switzerland, according to AS 2020 807 (PIC Ordinance, ChemPICV).

Penalties for non-compliance include forfeiture of the goods suspected of violation until further investigation takes place by other government agencies.

More information can be found at:
https://www.fedlex.admin.ch/eli/cc/2004/725/de#annex_1

Revision of the Ordinance on the Reduction of Greenhouse Gas Emissions (CO2 Ordinance)

Legal Status: Adopted

The Swiss Federal Council adopted a total revision of the Ordinance on the Reduction of Greenhouse Gas Emissions (CO_2 Ordinance) on 23 September 2020. Subject to a vote on 13 June 2021, the Ordinance will enter into force on 1 January 2022. Interested parties can submit comments regarding the law until 15 July 2021.

More information can be found at:
https://fedlex.data.admin.ch/eli/dl/proj/2021/59/cons_1

Ordinance on due diligence and transparency in the areas of minerals and metals from conflict areas and child labor (VSoTr)

Legal Status: Consultation

The Swiss Federal Council is implementing a new Ordinance on Due Diligence Obligations and Transparency Regarding Minerals and Metals from Conflict Areas and Child Labor. This legal provision mandates the minerals and metal companies to report their production and import quantities. The Ordinance identifies, in an annex to the Ordinance, the exemptions from due diligence and reporting requirements based on the annual import/processing quantity.

The processing and import of recycled metals are not subject to the due diligence and reporting obligations. However, in this case, the company must document and prove that the metals are either extracted from scrap or originated exclusively from recycled items. The Ordinance also applies to unprocessed minerals or by-products of ores that do not contain tin, tantalum, or tungsten.

According to the Article 5 of the Ordinance, if the mineral and metal companies comply with either the Organization for Economic Co-operation and Development Due Diligence Guidance or the EU Regulation 2017/8214 laying down supply

chain due diligence obligations, they are exempt from the obligations due to the compliance with an internationally recognized framework.

More information can be found at (in French):
https://www.fedlex.admin.ch/fr/consultation-procedures/ongoing#https://fedlex.data.admin.ch/eli/dl/proj/2021/28/cons_1

Draft Amendment of the Chemicals Ordinance

Legal Status: Draft Amendment

The Swiss Chemical Ordinance on Protection against Dangerous Substances and Preparations (ChemO) specifies the requirements for placing on the market of substances and mixtures. This is the Swiss equivalent of the EU REACH legislation because it is not part of the EU.

A draft amendment to ChemO was released on notification and label language. The amendments obligate that:

- all substances that are not registered in the EU must be notified. Before these amendments, only substances that are not listed under European Inventory of Existing Commercial Chemical Substances were required to be notified This inventory includes chemicals placed on the EU market between 1 January 1971 and 18 September 1981
- the label language must be the official language of the place where the product is marketed, e.g., Italian label must be provided for products marketed in Italian-speaking regions of the country
- certain perfumes and dyes preparations can be declared only by their generic names
- paint preparations, if formulated at the sale point and prepared for a specific consumer in limited volume, are exempt from notification

More information can be found at (in French):
https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/dl/proj/2021/14/cons_1/doc_1/fr/pdf-a/fedlex-data-admin-ch-eli-dl-proj-2021-14-cons_1-doc_1-fr-pdf-a.pdf

United Kingdom

Application for REACH Authorization: Public consultation on alternatives for DEHP

Legal Status: Consultation

The UK Health and Safety Executive is seeking opinions from the public regarding alternatives for bis(2-ethylhexyl) phthalate (DEHP) (CAS No. 117-81-7) as part of the UK REACH authorization process. The proposed use for authorization is the processing of a stop-off formulation containing DEHP during the diffusion bonding and manufacture of aero engine fan blades.

More information can be found at:
https://consultations.hse.gov.uk/crd-reach/reach-afa-001-01/?utm_source=govdelivery&utm_medium=email&utm_campaign=chemicals-guidance&utm_term=consultation&utm_content=reach-19-may-21

NORTH AMERICA

Canada

Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999: SOR/2021-86

Legal Status: In force

The Government of Canada has published an order adding "plastic manufactured items" to Schedule 1, the List of Toxic Substances, of the Canadian Environmental Protection Act, 1999 (CEPA). The addition of this to the list gives the government authority to impose future restrictions if necessary but there are no current actions. This is part of the Government of Canada's goal to achieve zero plastic waste and eliminate plastic pollution by 2030.

Plastic manufactured items are any items made of plastic formed into a specific physical shape or design during manufacture, and have, for their intended use, a function or functions dependent in whole or in part on their shape or design. They can include final products, as well as components of products. All plastic manufactured items have the potential to become plastic pollution (i.e., disposed of outside of a waste management system).

Listings under Schedule 1 are subject to full, partial, or conditional prohibition. The regulation is expected to be finalized by the end of 2020.

More information can be found at:
https://canadagazette.gc.ca/rp-pr/p2/2021/2021-05-12/html/sor-dors86-eng.html

Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999: SOR/2021-89

Legal Status: In force

The Government of Canada has published an order adding Selenium and its compounds to Schedule 1, the List of Toxic Substances, of the Canadian Environmental Protection Act, 1999.

Because selenium is already regulated by other regulations, nothing has changed at this time. The addition of selenium to this list however does give the government the authority to impose future restrictions if necessary.

More information can be found at:
https://canadagazette.gc.ca/rp-pr/p2/2021/2021-05-12/html/sor-dors89-eng.html
https://www.canada.ca/en/health-canada/services/chemical-substances/substance-groupings-initiative/selenium.html#a1

Updated Ministerial Condition, Domestic Substance List, and Non-Domestic Substance List

Legal Status: Published

Ministerial Condition

The Minister of the Environment and the Minister of Health have assessed information pertaining to the substance phenol, 4,4'-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane and 4,4'-methylenebis[cyclohexanamine] (CAS: 38294-67-6) and was deemed toxic or capable of becoming toxic.

The Minister of the Environment allows the manufacture or import of the substance subject to the following conditions:

- must not use the substance to manufacture a consumer product which the Canada Consumer Product Safety Act applies
- must not import the substance if it is present in a consumer product which the Canada Consumer Product Safety Act applies

Electronic or paper records must be maintained with information listed within the record-keeping section of the "Gazette Part 1" document.

Domestic Substance List (DSL)

The DSL provides an inventory of substances in the Canadian marketplace. The DSL is amended multiple times per year to add, update, or delete substances. The DSL includes eight parts defined in the "Gazette Part 2" document.

The Minister of the Environment has introduced Order 2021-87-04-01 which amends the DSL. The objective of the Order is to add 14 substances to the DSL. The Minister of the Environment and the Minister of Health assessed information on these 14 substances (chemicals and polymers) new to Canada and determined that they meet the criteria for addition to the DSL. Eight substances, identified by their CAS numbers, are added to Part 1 of the DSL and six substances identified by their masked names and their CANs are added to Part 3 of the DSL. Masked names are regulated under the Masked Name Regulations and are created to protect confidential business information.

Non-Domestic Substance List (NDSL):

The NDSL is a list of substances believed to be in International commerce. The Minister of the Environment has added the substances referred to in the "Gazette Part 1" to the NDSL. The substances are identified via their CAS numbers and are listed in Part 1 doc.

More information can be found at:
Canada Gazette, Part 1
https://gazette.gc.ca/rp-pr/p1/2021/2021-04-24/html/notice-avis-eng.html#nl4
Canada Gazette, Part 2
https://gazette.gc.ca/rp-pr/p2/2021/2021-04-28/html/sor-dors79-eng.html

Notice of intent to address the broad class of per- and polyfluoroalkyl substances

Legal Status: Announced

The Government of Canada announced their plan to address per- and polyfluoroalkyl substances (PFAS). Evidence suggests the PFASs used to replace prohibited compounds like perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) may have harmful environmental and/or human health effects. Moving forward, PFAS substances will be considered as a class of chemicals rather than the traditional substance-by-substance approach, especially when exposure occurs to multiple PFAS substances.

The 2021 plan states that Canada will:

- continue to invest in research and monitoring on PFAS
- collect and examine information on PFAS to inform a class-based approach
- review policy developments in other jurisdictions

The government plans to publish a status report within two years summarizing the information gathered. The government invites all interested parties to provide feedback on the class-based approach.

More information can be found at:
https://canadagazette.gc.ca/rp-pr/p1/2021/2021-04-24/html/notice-avis-eng.html#nl5

Notice with respect to reporting of greenhouse gases (GHGs) for 2020

Legal Status: Published

The Canadian Ministry of the Environment (MoE) has issued a notice calling for any information on greenhouse gasses (GHG). Applicable persons must provide information laid out in Schedules 4 through 18 of the notice. Schedules 4 and 5 contain the administrative and basic reporting requirements for all applicable persons while the remaining Schedules contain additional requirements.

Applicable entities are defined as follows:

- a facility that emits 10,000 tonnes of carbon dioxide equivalent or more of GHGs in the 2020 calendar year
- a facility that emits 10,000 tonnes of carbon dioxide equivalent or more (the "reporting threshold") of GHGs in the 2020 calendar year and meets both of the criteria listed in subparagraphs below:
  - the facility is classified under any of the following North American Industry Classification System (NAICS) codes: 212, 221112, 221119, 221330, 322, 324110, 324121, 325120, 325190, 325313, 327310, 327410, 331110, 331313, 331410
  - the facility is engaged in any of the following activities: a) mining, b) ethanol production, c) lime production, d) cement production, e) aluminum production, f) iron and steel production, g) electricity and heat generation, h) ammonia production, i) nitric acid production, j) hydrogen production, k) petroleum refining, l) pulp and paper production, m) base metal production
- a facility engaged in CO_2 capture, CO_2 transport, CO_2 injection, or CO_2 storage in the 2020 calendar year (reporting requirements in Schedule 5 and 6)

The criteria for applicable entities are divided as such to correspond with Schedules 6 through 18 which contain additional reporting requirements that are specific to the activity which results in GHG emissions.

More information can be found at:
https://gazette.gc.ca/rp-pr/p1/2021/2021-02-13/html/sup1-eng.html

Order Adding a Toxic Substance to Schedule 1 to the Canadian Environmental Protection Act, 1999 and publication of final decision after screening assessment of a substance — phenol, 4-chloro-3-methyl (chlorocresol), CAS RN 59-50-7 — specified on the Domestic Substances List (subsection 77(6) of the Canadian Environmental Protection Act, 1999)

Legal Status: Proposed

The Chemicals Management Plan (CMP) is Canada's federal program that assesses and manages chemical substances and micro-organisms that may be harmful to the environment or human health. Talc and chlorocresol were evaluated for toxicity under the CMP.

Talc:
The talc regulatory impact analysis statement indicates that the substance meets one or more CEPA human health criteria for a toxic substance. The proposed Order adds talc, molecular formula Mg3H2(SiO3)4; 14807-96-6; to the List of Toxic Substances in Schedule 1 to CEPA. No specific risk management measures are recommended as part of the proposed Order.

In Canada, talc is used in adhesives and sealants; automotive, aircraft, and transportation applications; building and construction materials (e.g., wood and engineered wood); ceramics; electrical and electronics; textiles; floor coverings; inks, toner, and colorants; lubricants and greases; oil and natural gas extraction applications; paints and coatings; and much more.

Chlorocresol:
The final screening assessment is published for the chlorocresol. It is used as a biocide in cosmetics. It is concluded that chlorocresol meets one or more of the criteria set out in section 64 of CEPA. Chlorocresol does not meet the persistence and bioaccumulation criteria. The notice recommends that the ministers add the substance to Schedule 1 of the CEPA. The proposed risk management approach document is opened to public comment.

Penalties for non-compliance under CEPA include fines up to $ 1 million CAD per day and/or imprisonment for up to three years.

More information can be found at:
Talc Gazette notice
https://gazette.gc.ca/rp-pr/p1/2021/2021-05-22/html/reg2-eng.html
Talc chemical management plan
https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan-3-substances/talc.html
Chlorocresol Gazette notice
https://canadagazette.gc.ca/rp-pr/p1/2021/2021-05-22/html/notice-avis-eng.html#na3
Chlorocresol chemical management plan
https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan-3-substances/chlorocresol.html

Final decision after screening assessment of talc (Mg3H2(SiO3)4), CAS RN 14807-96-6 specified on the Domestic Substances List

Legal Status: Draft amendment

The Canadian government completed the screening assessment of talc and have concluded that the substance meets one or more of the criteria set out in Section 64 of the CEPA, 1999. Additionally, the ministers have released a risk management

approach document for Talc. The notice is given that this substance be added to the List of Toxic Substances (Schedule 1) of the Act.

Talc is a naturally occurring mineral. In Canada, talc is used in adhesives and sealants; automotive, aircraft, and transportation applications; building and construction materials; ceramics; electrical and electronics; textiles; floor coverings; inks, toners, and colorants; lubricants and greases; oil and natural gas extraction applications; paints and coatings; paper and paper products, mixtures, and manufactured items; plastic and rubber materials; toys, playground equipment and sporting equipment; and in water treatment.

More information can be found at:
https://gazette.gc.ca/rp-pr/p1/2021/2021-04-24/html/notice-avis-eng.html#nl9

United States

On Petition for Review of Final Agency Action of the U.S. Environmental Protection Agency

Legal Status: Published

The U.S. Environmental Protection Agency (EPA) is planning on reconsidering their Final Risk Evaluation for Methylene Chloride. During the course of the Neighbors for Environmental Justice, et al v EPA, et al. litigation, EPA has requested that the Court remand without vacatur (a judicial remedy that permits agency orders or rules to remain in effect after they are remanded) the Final Risk Evaluation for Methylene Chloride to allow the Agency to reconsider it. EPA determined in 2020 that methylene chloride does not present such unreasonable risk under six of 53 conditions of use.

The risk determination approach used a condition-of-use by condition-of-use basis rather than a determination for the chemical as a whole. Additionally, EPA made assumptions regarding workers' use of personal protective equipment when using methylene chloride in various commercial conditions of use and declined to analyze certain populations as a "potentially exposed or susceptible subpopulation", as well as certain environmental exposure pathways.

EPA argues that a remand will allow it to revisit these assumptions and approaches. In particular, EPA intends to propose transitioning to a binary determination of whether methylene chloride presents unreasonable risk of injury to human health or the environment, instead of the condition-of-use by condition-of-use determination. A remand will also allow EPA to assess whether additional analysis with respect to potentially exposed or susceptible subpopulations or excluded environmental exposure pathways is warranted and, if so, to conduct that additional analysis. Finally, a remand will allow EPA to seek public comment on any new analyses and proposed reconsideration.

As the final risk evaluation itself does not impose any restrictions on the use of methylene chloride, a remand would not cause any disruptions to the use of the substance.

More information can be found at:
Motion for voluntary remand
http://www.iaeg.com/elements/pdf/USA_Motion_for_voluntary_remand.pdf
Freedhoff Declaration
http://www.iaeg.com/elements/pdf/USA_Freedhoff_Declaration.pdf
Final Risk Evaluation for Methylene Chloride
https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-methylene-chloride

Plan to Update Toxics Release Inventory to Advance Environmental Justice

Legal Status: Announced

The EPA has released its plans to expand the Toxic Release Inventory (TRI) reporting to cover Toxic Substances Control Act (TSCA) work plan substances, ethylene oxide (EtO), and additional PFAS. TRI is a reporting scheme which requires facilities to report on their environmental substance release. The EPA is planning to broaden the scope of this program to advance environmental justice, improve transparency, and increase access to environmental information.

The plan includes:

- expanding the scope of TRI reporting requirements to include additional chemicals and facilities
- including facilities that are not currently reporting on EtO releases
- providing new tools to make TRI data more accessible to the public

No penalties for non-compliance have been established.

More information can be found at:
https://www.epa.gov/newsreleases/epa-announces-plan-update-toxics-release-inventory-advance-environmental-justice

Significant New Use Rules on Certain Chemical Substances (19-1.F)

Legal Status: Announced

The EPA has revised its Significant New Use Rules (SNUR). 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. A significant new use is determined by considering some factors such as the projected volume of manufacturing/processing, method of manufacturing/processing/disposal of the substance, and how the new use will change the type and form of exposure, as well as the magnitude and duration of exposure to the substance.

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.

The substances under this proposed SNUR are as follows:

- 1454803-04-3 | P-17-382 | amides, tallow, N,N-bis(2-hydroxypropyl);
- No CAS | P-18-41 | 2,5-furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate
- No CAS | P-18-70 | waste plastics, polyester, depolymd. with glycols, polymers with dicarboxylic acids
- No CAS | P-18-100 | substituted alkanoic acid, polymer with alkylcarbonate, alkanediols and isocyanate substituted carbomonocycles, sodium salt, alkenoic acid substituted polyol reaction products-blocked
- No CAS | P-18-102 | alkenoic acid, ester with [oxybis(alkylene)]bis[alkyl-substituted alkanediol], polymer with alkylcarbonate, alkanediols, substituted alkanoic acid and isocyanate and alkyl substituted carbomonocycle, sodium salt
- No CAS | P-18-116 | castor oil, reaction products with soybean oil
- No CAS | P-18-136 | 1-butanaminium,N,N,N-tributyl-,2(or 5)- [[benzoyldihydrodioxo [(sulfophenyl) amino]heteropolycycle]oxy]-5(or 2)-(1,1-dimethylpropyl)benzenesulfonate (2:1)
- No CAS | P-18-137 | alkylsilsesquioxane, ethoxy-terminated
- No CAS | P-18-219 | polythioether, short chain diol polymer terminated with aliphatic diisocyanate

- No CAS | P-18-224 | alkenoic acid, polymer with alkenylcarbomonocycle, [alkanediylbis (substituted alkylene)] bis[heteromonocycle] and (alkylalkenyl) aromatic, salt
- No CAS | P-18-225 | alkenoic acid, polymer with substituted alkyloxirane, alkenylcarbomonocycle, alkyl substituted alkyl alkanediol and (alkylalkenyl) aromatic, salt
- No CAS | P-18-233 | alkyl alkenoic acid, alkyl ester, telomer with alkylthiol, substituted carbomonocycle, substituted alkyl alkyl alkenoate and hydroxyalkyl alkenoate, tertbutyl alkyl peroxoate-initiated
- No CAS | P-18-279 | substituted heteromonocycle, polymer with substituted alkanediol and diisocyanate substituted carbomonocyle, alkylene glycol acrylate-blocked

No substance was found to pose a risk under current uses, but future uses may carry risks.

More information can be found at:
https://www.federalregister.gov/documents/2021/05/06/2021-08840/significant-new-use-rules-on-certain-chemical-substances-19-1f

Significant New Use Rules on Certain Chemical Substances (20-3.B)

Legal Status: Published

The EPA has revised its SNUR. The manufacturers/ processors/importers of these substances must notify the EPA through submitting a SNUN at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. A significant new use is determined by considering some factors such as the projected volume of manufacturing/processing, method of manufacturing/processing/disposal of the substance, and how the new use will change the type and form of exposure, as well as the magnitude and duration of exposure to the substance.

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.

The substances under this proposed SNUR are as follows:

- 2169783-63-3 | P-18-391 | 1-propanaminium, N-(carboxymethyl)-N, N-dimethyl-3-[(3,5, 5-trimethyl-1-oxohexyl), amino]- inner salt;
- 13818-44-5 | P-20-13 | 2-propenoic acid, 2-methyl-, (2-oxo-1,3-dioxolan-4-yl)methyl ester

No substance was found to pose a risk under current uses, but future uses may carry risks.

More information can be found at:
https://www.federalregister.gov/documents/2021/04/30/2021-08880/significant-new-use-rules-on-certain-chemical-substances-20-3b

EPA announces changes to prevent unsafe new PFAS from entering the market, and creates a new Council on PFAS

Legal Status: Published

The EPA has announced policy shifts in its review of new PFAS before they can enter the market, as well as the creation of a Council on PFAS.

EPA's New Chemicals Program is implementing a new strategy for reviewing and managing Low Volume Exemptions (LVE) requests for PFAS. Given the complexity of PFAS chemistry, potential health effects, and their longevity and persistence in

the environment, they are unlikely to be eligible for this type of exemption; EPA will however still consider each LVE application individually, but the agency expects that pending and new LVE submissions for PFAS would be denied. Doing this will allow the agency additional time to conduct a more thorough review through the pre-manufacture notice review process and put measures in place to mitigate the potential risk of these chemicals as the agency determines whether to allow them to enter commerce. Additionally, EPA is exploring ways to work cooperatively with companies to voluntarily withdraw previously granted LVEs.

EPA's Administrator has called for the creation of an "EPA Council on PFAS" (ECP) to help deliver the "2019 EPA PFAS Action Plan". More specifically, the ECP has been directed to:

- develop "PFAS 2021-2025 - Safeguarding America's Waters, Air and Land," a multi-year strategy to deliver critical public health protections to the American public. The ECP shall make initial recommendations within 100 days of its establishment
- continue close interagency coordination on regional specific and cross-media issues to assist states, Tribes, and local communities faced with significant and complex PFAS challenges
- work with all national program offices and regions to maximize the impact of EPA's funding and financing programs and leverage federal and state funds to support clean-up of PFAS pollution, particularly in underserved communities
- expand engagement opportunities with federal, state, and tribal partners to ensure consistent communications, exchange information, and identify collaborative solutions

More information can be found at:
https://www.epa.gov/chemicals-under-tsca/epa-announces-changes-prevent-unsafe-new-pfas-entering-market
https://www.epa.gov/newsreleases/epa-administrator-regan-establishes-new-council-pfas

Comment Request: Aircraft Engines-Supplemental Information Related to Exhaust Emissions

Legal Status: Proposed

The EPA submitted an information collection request regarding "Aircraft engines- supplemental information related to exhaust emissions (renewal)". The EPA is requesting comments regarding the proposed addition of supersonic aircraft and engines to the scope of an existing information collection request, which is approved until 31 December 2021. Previously, the only aircraft engines that were in production, development or in use were subsonic aircraft engines.

The information collection request is regarding the Control of Air Pollution from Aircraft and Aircraft Engines standards. The entities affected by this request are manufacturers of aircraft engine and engine parts.

The deadline for comments is 6 July 2021.

More information can be found at:
https://www.federalregister.gov/documents/2021/05/07/2021-09684/proposed-information-collection-request-comment-request-aircraft-engines-supplemental-information

EPA proposed a rule to phase down hydrofluorocarbons (HFCs)

Legal Status: Proposed

The EPA is proposing issuing regulations to comply with some requirements in the American Innovation and Manufacturing Act (AIM) of 27 December 2020. This program aims to decrease the production and import of HFCs by 85% over a 15-year

period, which is expected to avoid up to 0.5 °C of global warming by 2100. A final rule is expected 23 September 2021. The proposed rule aims to establish:

- baselines for the HFC production and consumption
- allowance allocation to phase down HFC production and consumption
- a method for allocation and transfer of allowances
- provisions for international transfer of allowances
- requirements to assist in complying with the phase down plan

The EPA is also seeking early input on how they can modify the determination of company-specific allocations in the future.

Accordingly, the EPA has proposed its first rule to phase down the production and consumption of potent HFCs. In addition to the general HFC allowance pools, a set aside pool for new market entrants and a separate pool for specific applications will be issued. The specific applications under the AIM Act include:

- propellant in metered dose inhalers
- defense sprays
- structural composite preformed polyurethane foam for marine use and trailer use
- the etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector
- on board aerospace fire suppression

Currently, EPA is collecting data from companies on past production, import, export, destruction, and use of HFCs, which will be used in allowance allocation. Responding to the data request is voluntary but failure to respond may limit the allowances. EPA collects data through two platforms:

- Electronic Greenhouse Gas Reporting Tool (e-GGRT)
- Ozone Depleting Substance Tracking System (ODSTS)

More information can be found at:
https://www.federalregister.gov/documents/2021/05/19/2021-09545/phasedown-of-hydrofluorocarbons-establishing-the-allowance-allocation-and-trading-program-under-the
https://www.epa.gov/newsreleases/epa-moves-forward-phase-down-climate-damaging-hydrofluorocarbons
Data submission platforms
https://ccdsupport.com/confluence/display/help/e-GGRT+and+HFC+Data+Reporting+related+to+AIM

Comment Request; Implementation of the 8-Hour National Ambient Air Quality Standards for Ozone (Renewal)

Legal Status: Notice

On 8 December 2020, the EPA submitted an information collection request regarding the Implementation of the 8-hour National Ambient Air Quality Standards for Ozone: State Implementation Plan requirements. This notice allows for an additional 30 days for public comments with an updated deadline for comments on 1 June 2021.

The information request aims to estimate the burden on states for implementation-related activities for the 2008 ozone National Ambient Air Quality Standards from April 2021 - April 2024. The individuals expected to respond to this request are state and local governments.

More information can be found at:
https://www.federalregister.gov/documents/2021/04/30/2021-09014/information-collection-request-submitted-to-omb-for-review-and-approval-comment-request

Significant New Use Rules on Certain Chemical Substances (21-2.B)

Legal Status: Proposed

The EPA has revised its SNUR. The manufacturers/processors/importers of these substances must notify the EPA through submitting a SNUN at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. A significant new use is determined by considering some factors such as the projected volume of manufacturing/ processing, method of manufacturing/processing/disposal of the substance, and how the new use will change the type and form of exposure, as well as the magnitude and duration of exposure to the substance.

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.

No substance was found to pose a risk under current uses, but future uses may carry risks.

The substances under this proposed SNUR are as follows:

- 62439-42-3 | P-19-82 | heptanal, 6-hydroxy-2,6-dimethyl
- 2205080-23-3 | P-20-76 | glycine, reaction products with sodium O-iso-Pr carbonodithioate, sodium salts
- No CAS | P-20-94 | alkanedioic acid, polymer with tri-alkyl-isocyanatocarbomonocycle, dialkylglycols, ester with 2,3-dihydroxypropyl alkyl ester, 2-hydroxyethyl methacrylate-blocked (generic)

More information can be found at:
https://www.federalregister.gov/documents/2021/04/30/2021-08883/significant-new-use-rules-on-certain-chemical-substances-21-2b

EPA revised the Priority Testing List

Legal Status: Draft amendment

The TSCA Interagency Testing Committee (ITC) has sent an updated Priority Testing List (PTL) to the EPA to prioritize them for testing and reporting. The Committee has added 15 High-Priority Substances (HPS) and 24 organohalogen flame retardants to the TSCA to obtain unpublished health and safety studies from manufacturers/importers of these chemicals. When ITC adds chemicals to the PTL, a rule amendment will be published in the Federal Registrar and the amendments will be effective 30 days after publication. A chemical substance or mixture can be withdrawn from the list if the information showing the reason for withdrawal is received by EPA. The information includes studies on health effects, environmental effects, environmental fate, and occupational, general and consumer exposure studies.

Organohalogen Flame Retardants; CAS #:

- bis(hexachlorocyclopentadieno)cyclooctane; 13560-89-9
- 1,2-bis(2,4,6-tribromophenoxy)ethane; 37853-59-1
- 1,1'-ethane-1,2-diylbis(pentabromobenzene); 84852-53-9
- 2-(2-hydroxyethoxy)ethyl 2-hydroxypropyl 3,4,5,6-tetrabromophthalate; 20566-35-2
- 2,2'-[(1-methylethylidene)bis[(2,6-dibromo-4,1-phenylene)oxymethylene]]bis[oxirane]; 3072-84-2
- mixture of chlorinated linear alkanes C14-17 with 45-52% chlorine; 85535-85-9

- N,N-ethylene-bis(tetrabromophthalimide); 32588-76-4
- pentabromochlorocyclohexane; 87-84-3
- (pentabromophenyl)methyl acrylate; 59447-55-1
- pentabromotoluene; 87-83-2
- perbromo-1,4-diphenoxybenzene; 58965-66-5
- phosphonic acid, (2-chloroethyl)-, bis(2-chloroethyl) ester; 6294-34-4
- propanoic acid, 2-bromo-, methyl ester; 5445-17-0
- tetrabromobisphenol A-bis(2,3-dibromopropyl ether); 21850-44-2
- tetrabromobisphenol A-bis(2-hydroxyethyl) ether; 4162-45-2
- tetrabromobisphenol A diallyl ether; 25327-89-3
- tetrabromobisphenol A dimethyl ether; 37853-61-5
- 2,4,6-tribromoaniline; 147-82-0
- 1,3,5-tribromo-2-(prop-2-en-1-yloxy)benzene; 3278-89-5
- tris(2-chlorothyl) phosphite; 140-08-9
- tris(2,3-dibromopropyl) phosphate; 126-72-7
- 1,3,5-tris(2,3-dibromopropyl)-1,3,5-triazine-2,4,6(1H,3H,5H)-trione; 52434-90-9
- tris(tribromoneopentyl)phosphate; 19186-97-1
- 2,4,6-tris-(2,4,6-tribromophenoxy)-1,3,5-triazine; 25713-60-4.

High-Priority Substances; CAS #:

- 1,3-butadiene; 106-99-0
- butyl benzyl phthalate (BBP)—1,2-Benzene-dicarboxylic acid, 1-butyl 2(phenylmethyl) ester; 85-68-7
- dibutyl phthalate (DBP) (1,2-benzene-dicarboxylic acid, 1,2-dibutyl ester); 84-74-2
- o-dichlorobenzene; 95-50-1
- p-dichlorobenzene; 106-46-7
- trans-1,2-dichloroethylene; 156-60-5
- 1,2-dichloropropane; 78-87-5
- dicyclohexyl phthalate; 84-61-7
- di-ethylhexyl phthalate (DEHP)—(1,2-benzene-dicarboxylic acid, 1,2-bis(2-ethylhexyl) ester); 117-81-7
- di-isobutyl phthalate (DIBP)—(1,2-benzene-dicarboxylic acid, 1,2-bis-(2methylpropyl) ester); 84-69-5
- Formaldehyde; 50-00-0
- 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta [g]-2-benzopyran (HHCB); 1222-05-5
- phthalic anhydride; 85-44-9
- 4,4'-(1-methylethylidene)bis[2, 6-dibromophenol] (TBBPA); 79-94-7
- 1,1,2-trichloroethane; 79-00-5

More information can be found at:
https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202010&RIN=2070-AK69
https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/interagency-testing-committee
https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0473-0001
https://www.federalregister.gov/documents/2021/04/28/2021-08839/seventy-fourth-report-of-the-tsca-interagency-testing-committee-to-the-administrator-of-the

SOUTH AMERICA

Brazil

DRAFT LAW No. 6120, 2019 Creates the National Inventory of Chemical Substances with the objective of creating a database of chemical substances produced or imported into Brazilian territory and makes other arrangements

Legal Status: Draft

An amendment to draft law No. 6120, 2019 has been presented to the Environment and Sustainable Development Committee (CMADS) during the law's approval process. The original draft law only aims to establish a National Inventory of Chemical Substances. This amendment greatly expands the draft law's reach:

- it aims to establish the National Inventory of Chemical Substances
- it sets-up the risk assessment evaluation methodology: priority criteria (persistence, bioaccumulation, CMRs, etc.), information submission, etc.
- it sets-up risk management measures, which range from the correct labelling of substances and creation of SDSs, to the prohibition of production, import, export, trade and use of substances
- new substances will need to be registered in the National Inventory before production and import into Brazil
- it establishes the obligations, in terms of information supply and compliance with risk management orders, of producers, importers and users of chemical substances
- it establishes the infractions and their associated sanctions
- it establishes the registration, evaluation and inspection of chemical substances fee

This amendment needs to be discussed and the draft law presented to three other Committees. It will then advance to the Senate.

More information can be found at (in Portuguese):
Chamber of Deputies file
https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2276390
Full text
https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1984458&filename=Tramitacao-EMC+1+CMADS+%3D%3E+PL+6120/2019

Argentina, Brazil, Uruguay, Paraguay

Agreement on implementation of GHS for classification and labelling of chemicals in Mercosur countries

Legal Status: Pre-proposal

The chemical authorities of the Mercosur countries agreed to develop a proposal to:

- promote the implementation of GHS in each country

- develop new regulatory frameworks to ensure compliance
- update the baseline of regulatory framework of each country

The chemical officials of the four countries also agreed on regular exchange of information on the status of GHS implementation.

Adopting GHS is part of the Mercosur chemical and waste action plan for 2021-24.

More information can be found at (in Spanish):
https://www.argentina.gob.ar/noticias/ambiente-organizo-una-jornada-sobre-productos-quimicos-para-el-mercosur

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