NEWSLETTER

Global Environmental and Chemical Regulations, Policies, and Standards
September 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 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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GLOBAL

The Organization for Economic Co-operation and Development published its Series on Risk Management No. 61 entitled "Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance" (published)

This above referenced report summarizes recent efforts by the Organization for Economic Co-operation and Development (OECD) Global Perfluorinated Chemicals (PFC) Group between June 2018 and March 2021 to review and assure accuracy of terminology and improve the per- and polyfluorinated substances (PFAS) definition and provide recommendations and practical guidance on categorizing and characterizing PFASs to all stakeholders. The PFC Group was established in 2012 and brings together experts from OECD member and non-member countries in academia, governments, industry, and non-government organizations (NGOs), and representatives from other international organizations.

The report provides:

- a revised PFAS definition and a comprehensive overview of the PFAS universe
- practical guidance on how to identify and use the PFAS terminology
- a systematic approach to characterization of PFASs based on molecular structural
- recommendations for further development of terminology.

This report does not address the nomenclature and understanding of individual PFASs, including the sources of exposure and the actual composition of commercial products.

Per the revised definition, PFASs are defined as fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (without any H/Cl/Br/I atom attached to it); i.e., with a few noted exceptions, any chemical with at least a perfluorinated methyl group (–CF3) or a perfluorinated methylene group (–CF2–) is a PFAS.

Areas that require further work:

- a centralized PFAS nomenclature database/platform
- development of cheminformatics-based tools for automated systematic characterizing and categorizing PFASs
- characterization, assessment of the properties and reporting of polymers
- work on organofluorine compounds other than PFASs, including many fluorinated aromatics

More information can be found here.

List of chemical substances under preparation for potential inclusion in the Stockholm Convention (draft amendment)

The Stockholm Convention on persistent organic pollutants (POPs) is a global treaty to protect human health and the environment. The Stockholm Convention requires that Parties to the treaty take measures to eliminate or restrict the

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production and use of certain hazardous chemicals on the list of POPs in the Convention. Proposals for three new substances groups have been submitted by the European Union (EU), Canada, and the United Kingdom (UK) to the Stockholm Convention Secretariat for listing as POPs. The proposals are as follows:

- submitted by the UK: Chlorinated paraffins with carbon chain lengths in the range C14-17 and chlorination levels at or exceeding 45% chlorine by weight (No CAS/EC available)
- submitted by Canada: Long-chain perfluorocarboxylic acids, their salts, and related compounds (No CAS/EC available)
- submitted by the EU: Chlorpyrifos (CAS No.: 2921-88-2, EC No.: 220-864-4) for addition to Annex A

When a substance is listed under Annex A, the parties must take measures to eliminate the production and use of it. Specific exemptions for use or production are listed in the Annex and apply only to the parties that registered for them.

These proposals will be reviewed by the Persistent Organic Pollutants Review Committee in January 2022.

More information can be found here.

China

Announcement on the inclusion of new registered chemical substances in the Inventory of Existing Chemical Substances in China (published)

On 17 August 2021, China's Ministry of Ecology and Environment released a list of 15 new substances to be added to the Inventory of Existing Chemical Substances in China. This is the inventory of chemical substances which are produced or imported into China. Substances on this list do not need to be registered as new substances in China. If the substance is not included in the inventory, China New chemical substance notification shall be required.

The following substances are added to the list (CAS No. provided below if available):

- Acrylic acid, reaction products with bis[(oxiranyl)alkoxy]benzene
- Substituted [(hydroxyl alkylpropionyl) phenoxy aryl]alkan-1-one
- Alkyl aminoethanol
- Aromatic sulfonic acid, amino-hydroxy- [[(sulfoxy)alkyl]sulfonyl]-, reaction products with (aminoaryl) urea hydrochloride, diazotized amino-[[(sulfooxy)alkyl]sulfonyl] aromatic sulfonic acid salts and polyhalogenotriazine
- Hydroxy-polyalkyl-oxabicyclohexanone
- Phosphonic acid, alkyl ester, metal salt
- Mixture of unsaturated aliphatic ketone
- (Amino aryl substituted pyrazolopyrimidinyl) heterocyclyl propenone
- Polyhalogenobenzoxazole
- Alkyl but-2-enoate

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- 1,1,7-Trichloro-1-hepten-3-one (CAS No.: 158355-41-0)
- 3-Hexenoic acid, cyclopropylmethyl ester (CAS No.: 1253414-42-4)
- (4E)- 4- Methyl-5-(4-methylphenyl)-4-pentenal (CAS No.: 1226911-69-8)
- Perhydro-4-ethyl-8-methyl-1-naphthalenone (CAS No.: 870515-09-6)
- 3-Propylphenol (CAS No.: 621-27-2)

There are no non-compliance provisions for this announcement.

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

Notice on soliciting opinions on the National Standard "Emission Standard of Air Pollutants for the Coking Chemical Industry" (draft amendment)

The Chinese Ministry of Ecology and Environment is seeking comments on the draft Emission Standard of Air Pollutants for the Coking Chemical Industry (the Standard). They are aiming to improve the national air pollutant discharge standards and promote coking chemical industry technological progress and sustainable development. This revision:

- adjusted some emission control requirements
- adjusted pollutant monitoring requirements
- adjusted terms of implementation and supervision

This standard is the basic requirement for emission control of air pollutants from the coking chemical industry. Following consultation, the Standard will go into effect from 1 July 2022 for newly built enterprises and from 1 July 2023 for existing enterprises.

Interested parties can provide comments by the 24 September 2021 deadline.

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

India

Indian Technical Committee for Paints, Varnishes, and Related Products introduced changes to the Indian Standard 101: Part 1 (draft standard)

The Indian Technical Committee for Paints, Varnished and Related Products introduced changes to the Bureau of Indian Standards (BIS) 101: Part 1: Sec 8: 2015. The goal of the changes is to harmonize the Indian standard with the corresponding International Standards ISO 15528 and ISO 18451-1:2019. The main changes are as follows:

- the preparation of the glass container has been changed
- the duplicate determination has been changed to single determination
- besides ethanol, methanol has been added as an alternative wetting agent
- the BIS adjusted standard atmospheric parameters to fit Indian atmospheric and climate conditions: 27 ± 2°C and 65 ± 5 percent relative humidity

The comments should be shared in the prescribed template through the portal no later than 25 September 2021.

More information can be found here.

Polyphosphoric Acid (Quality Control) Order, 2021 (draft standard)

The Government of India has published the draft "Polyphosphoric Acid (Quality Control) Order, 2021" (the Order) that regulates the use of polyphosphoric acid (CAS No.: 7664-38-2). To protect human health and the wider ecosystem, the Order ensures that the Indian Standard, titled 'Polyphosphoric Acid - Specification', (IS 17439:2020) becomes mandatory. The Order applies to polyphosphoric acid goods and articles (HS Code 2809 2020).

Under this Order, locally manufactured or imported polyphosphoric acid goods and articles shall:

- conform to the Indian Standard (IS 17439:2020).
- bear the standard mark under license from the Bureau of the Indian Standards (BIS), as per Scheme-II of Schedule-II of the BIS (Conformity Assessment) Regulations 2018

The requirements of this Order do not apply to goods or articles meant for export.

As the certifying and enforcing authority for polyphosphoric acid goods and articles, the BIS shall govern the use of standard marks through the BIS Act 2016 and the rules and regulations made thereunder. Any person who violates the provisions of this Order shall be punishable under the provisions set out in the BIS Act 2016.

More information can be found here.

Japan

206 Chemicals Added to Chemical Substance Control Law (published)

The Japanese Ministry of Health, Labor and Welfare (MHLW), Ministry of Economy, Trade, and Industry (METI), and Ministry of the Environment (MOE) published a total of 206 new chemical substances under the Chemical Substance Control Law (CSCL). These substances are classified as Newly Announced Chemical Substances under the CSCL and are added to the Existing and New Chemical Substances inventory. For new chemical substances, approval is required from the MHLW, METI, and MOE prior to production/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.

Revision on import of clearance procedures for chemical substances under the Chemical Substance Control Law (published)

On 30 August 2021, Japan's Ministry of Economy, Trade, and Industry (METI) published a revision on the Import of Clearance Procedures for Chemical Substances under the Chemical Substance Control Law (CSCL). The amendments within the regulation will enter into force on 22 October 2021.

The amendments to the regulation include:

- addition of 2,2,2-trichloro-1-(2-chlorophenyl)-1-(4-chlorophenyl) ethanol, and perfluorooctanoic acid (PFOA) and its salts to Appendix 1 (List of Class I Specified Chemical Substances) –these substances are subject to prior permission for manufacture and/or import
- addition of 13 product categories of PFOA and its salts to Appendix 2 – these are prohibited from import if PFOA and/or its salts are used. The following are the 13 product categories of PFOA and its salts:
  - water-resistant and oil-resistant paper
  - water-repellent and oil-repellent textiles
  - cleaning agents
  - anti-reflection agents used in the manufacture of semiconductors
  - paints and varnish
  - water and oil repellents
  - adhesives and sealing fillers
  - fire-extinguishing agents, fire-extinguishing foam and fire extinguishers
  - toners
  - water-resistant and oil-resistant clothes
  - water-repellent and oil-repellent floor coverings
  - floor waxes
  - photographic paper

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.

Russia

On amendments to the Federal Law 'On Limiting GHG Emissions' in terms of verification of reports on greenhouse gas emissions (draft amendment)

On 31 August 2021, the Ministry of Economic Development of the Russian Federation published amendments to the draft law, which aims to reduce greenhouse gas (GHG) emissions. The amendments provide further clarification on the verification process of reports on GHG emissions. The main changes include:

- Part 3 of Article 7 – a regulated organization may verify their report on GHG emissions (prior to submission) and are obliged to include the verified GHG emissions information on their report (e.g., stationary and mobile sources of environmental pollution)
- Part 5 of Article 7 – verification of the GHG emissions report must be carried out by a legal entity accredited by the National Accreditation System
- Part 8 of Article 8 – verification of the GHG emissions report must include an assessment of the compliance of economic and other activities resulting in GHG emissions
- Part 5 of Article 9 – verification of the climate projects must be made by companies accredited by the National Accreditation System (not affiliated with the Executive Climate Project)

The public consultation period concluded on 14 September 2021. The amended Federal Law is expected to enter into force on 1 January 2023.

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

Saudi Arabia

Waste Management System (published)

On 15 September 2021, Saudi Arabia announced the Waste Management System which aims to regulate the activities of all wastes including transportation, sorting, storage, import, export, treatment, and safe disposal. This system, which replaces the Municipal Solid Waste Management System issued by Royal Decree No. M/48, will not be applicable for radioactive, nuclear, and military waste.

To engage in waste management, facilities must obtain a permit from the National Center for Waste Management. The center will issue the controls and requirements that facilities and waste producers must follow and will classify wastes according to their hazards and impact on public health and the environment.

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

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

South Korea

Enforcement 2021.9.13: Revisions to Regulations on Classification and Labeling of Chemical Substances (published)

The Korean National Institute of Environmental Science published revisions to the Regulations on Classification and Labeling of Chemical Substances. The regulation stipulates 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. The revisions make the following changes to the regulation:

- Renaming of hazard statements:
  - “water reactivity” and "substances and mixtures" are now listed as "water-reactive substances and mixtures"
  - "severe eye damage/irritation" is now listed as "serious eye damage/eye irritation"
  - "target organ-single exposure" is now listed as "specific target organ toxicity-single exposure"
  - "target organ-repeated exposure" is now listed as "specific target organ toxicity-repeated exposure"
  - "aquatic environment hazard-acute (4.1)" is now listed as "aquatic environment hazard (4.1) acute"
- Assigning of additional hazard classifications and statements for the following substances:
  - palladium (II) acetate (CAS No.: 3375-31-3)
  - oleic acid compound with (Z)-N-octadec-9-enylpropane-1,3-diamine (CAS No.: 34140-91-5, 40027-38-1)
  - ethyl-α,α-dichlorobenzeneacetate (CAS No.: 5317-66-8)

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- Addition of 23 substances to Annex 4 (Annex 4 contains the list of classifications and indications for substances) to be classified as toxic substances:
  - toxic substances are a type of hazardous substances under the K-REACH regulation
  - toxic substances are subject to requiring import notifications, chemical accident prevention management plans, and hazardous chemical business license if needed.
  - the 23 substances can be viewed at the link provided below
- - Addition of 4 substances to the list of substances requiring accident prevention management plans
  - trimethylamine (CAS No. 75-50-3)
  - acrylic acid (CAS No. 79-10-7)
  - nitrobenzene (CAS No. 98-95-3)
  - ethylenediamine (CAS No. 107-15-3)

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

More information can be found at here in English and in Korean.

Simplification of the data submission process for hazard information under K-REACH (published)

The South Korean Ministry of Environment published an amendment to Article 36 of the Enforcement Regulations of the Chemical Substance Registration and Evaluation Act, which sets out enforcement rules under the Act on the Registration and Evaluation of Chemicals (K-REACH). The amendment applies to the submission of hazard information data under K-REACH.

In the place of hazard information and Form No.26, material safety data sheets (MSDS) can be submitted by manufacturers and importers for certain chemical substances under K-REACH. MSDS submissions are allowed for:

- hazardous substances that have registration grace periods but have not yet been registered as existing substances
- the production or import of substances in volumes less than 10 tonnes per year, provided that registration or pre-registration has been completed for this purpose

This is not a requirement to switch to the MSDS but rather an alternative option for companies as a way to reduce the submission of duplicate information.

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

More information can be found here in Korean.

Rules on restricted substances under K-REACH (draft amendment)

South Korea's Ministry of Environment is consulting until 23 September on plans to restrict the allowable use of 3 substances (lead, chromium, and acrylamide).

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The proposed updates include:

- lead restrictions:
  - use in paints will be limited to 90 parts per million (ppm)
  - manufacture or import of mixtures containing lead above the 90-ppm limit for paint will be prohibited from 1 July 2022
  - prohibition of the sale, storage, transport and use of such mixtures will apply from 1 January 2023.
- chromium (VI) in paints:
  - use in all paints will be limited to 1,000 ppm or above
  - manufacture or import of paints containing 1,000 ppm or above will be prohibited from 1 January 2023
  - sale, storage, transport, and use will be prohibited from 1 July 2023
- acrylamide
  - mixtures containing 1% or more of the substance will be prohibited from use in grout
  - manufacture or import of mixtures containing 1,000 ppm or more of acrylamide will be prohibited from 1 July 2023
  - prohibition of sales, storage, transport, and use will apply from 1 January 2024

Interested parties could provide comments by the 23 September 2021 deadline.

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

Taiwan

Update to Concerned Chemical Substances List (published)

Under Taiwan's Toxic and Concerned Chemical Substances Control Act (TCCSCA), the Environmental Protect Agency (EPA) has added two substances to its List of Concerned Chemical Substances (CCS), bringing the total substances on this list to three. This listing imposes restrictions on the substances which affect all companies manufacturing, importing, selling, transporting, using, and storing the substances. The two substances being added to the list are ammonium nitrate (CAS No.: 6484-52-2) and hydrofluoric acid (CAS No.: 7664-39-3). Ammonium nitrate is used as a fertilizer, in explosives, and in the manufacture of nitrous oxide, which was the first substance added to the CCS list by the EPA. Hydrofluoric acid is used in the manufacture of semiconductor chips, cleaning, and rust removing agents.

Manufacturing, import, sales, use and storage activities of the above substances must be approved by the EPA before the following deadlines: 1 August 2022 for ammonium nitrate and 1 February 2023 for hydrofluoric acid. Business must record operational volumes on a daily basis and report monthly to the competent authorities through an online system from 1 October 2021 for ammonium nitrate and 1 February 2022 for hydrofluoric acid.

Containers and packaging of products with hydrofluoric acid at concentrations >0.1% and <10% weight per weight (w/w), must comply with labeling requirements such as minimum label size. Companies with products containing >10% w/w of hydrofluoric acid, or >80% w/w ammonium nitrate are subject to EPA approval under TCCSCA, must report to the EPA on substance use, and comply with Safety Data Sheets requirements.

Additionally, companies handling >10% w/w of hydrofluoric acid (and a total operational volume of 300 kilograms [Kg] or more), or >80% w/w ammonium nitrate (and a total operational volume of 50,000 Kg) must:

- submit a complete hazard prevention and response plan
- take out liability insurance

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- assign professional response personnel
- set up preventative measures

The EPA announced heavy penalties for non-compliance. Unauthorized use of either substance will result in fines from NT$ 30,000 to NT$ 300,00. Anyone responsible for death or accidents as a result of illegal use of these substances will be subject to imprisonment, minimum 7 years to a maximum life sentence, along with a fine of up to NT$ 10 million.

More information can be found at this press release. A list of concerned chemical substances and their operation management matters amendment general description can be found here.

Revised guidelines on penalties for violation of the Toxic and Concerned Chemical Substances Control Act (published)

On 31 August 2021, Taiwan's Environmental Protection Administration published revised guidelines on penalties for violation of the Toxic and Concerned Chemical Substances Control Act (TCCSCA). This aims to better control the toxic and concerned chemical substances listed in the TCCSCA by strengthening the penalties. The main changes to the guidelines include:

- the penalty for illegal operation of the substances listed under TCCSCA has been increased by three to ten times depending on the severity of the violation (Article 2 of the guidelines)
- penalties have been added for violation of Paragraph 9 of Article 14 of the Measures for the Establishment and Management of Professional Technical Management Personnel for Toxic and Concerned Chemical Substances (Annex 1 and 2 of the guidelines)
- the weight of factors and calculations have been amended for penalties concerning registration and reporting non-compliance for new and existing chemical substances (Annex 3 of the guidelines)

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

European Union

Updated application for authorization formats (published)

The European Chemicals Agency (ECHA) updated the format used to apply for authorization to use substances of very high concern (SVHCs). The new format aims to simplify the process for applicants, as it combines the analysis of alternatives, the socio-economic analysis and, when relevant, a substitution plan into a single document. The instructions on confidentiality have also been updated.

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Similarly, the opinion format for the Committees for Risk Assessment and for Socio-Economic Analysis has been revised. As requested by the European Commission, the opinion format also includes "a conclusion on whether or not the applicant has shown that the benefits for society from using the substance outweigh the risk to human health or the environment."

Applicants should start using these formats immediately. However, applications may be submitted in the old format until the end of 2021 if applicants have already finalized or are close to finalizing the content of their application.

More information can be found here at this announcement from ECHA. The formats for applications for authorization can be found here.

The European Chemicals Agency SCIP dissemination portal is now public (published)

As part of the European Union (EU) Waste Framework Directive, all products containing substances of very high concern (SVHCs) > 0.1% weight by weight (w/w) at the article level and placed on the EU market were required to be reported to the European Chemicals Agency's (ECHA's) Substances of Concern in Products (SCIP) database starting from 5 January 2021. Since the requirement to report to the SCIP database was part of an EU directive, it was up to each EU Member State to implement the requirements into their national law. The deadline to do this was 5 July 2020. As of now, 25 out of 27 Member States (all but Spain and Luxembourg) have transposed a version of these requirements into their national laws. Enforcement procedures vary widely by Member State and are largely undefined.

The SCIP database went live to accept submissions in October 2020, and ECHA has since received a total of 17 million SCIP submissions as of September 2021. Approximately 6,000 EU companies have successfully complied with their new duty to notify ECHA about products containing SVHCs.

The long-awaited SCIP dissemination portal was opened by ECHA on September 14th to public access. This can be accessed by consumers, authorities, and waste operators. Apart from the identity of the submitting legal entity, all the other submitted data that is included in a SCIP notification can be viewed by anyone who accesses the dissemination portal. Currently, roughly four million notifications have been uploaded to this portal. However, the agency plans to make 100% of the successful notifications available in the coming months.

More information can be found here.

Guidance on registration (under the REACH Regulation) updated – Version 4.0 (published)

On 18 August 2021, the European Chemicals Agency published an updated version (Version 4.0) of the guidance document on registration covered by the EU REACH Regulation. The main aim of the document is to ensure that users are compliant with their obligations under the EU REACH Regulation.

The main changes to the guidance document include:

- alignment with the Commission Implementing Regulation (EU) 2019/1692 on the application of certain registration and data-sharing provisions of REACH after the expiry of the final registration deadline for phase-in substances (includes information on the registration process following pre-registrations being no longer valid, and advice for companies on how to calculate the most appropriate tonnage band)
- alignment with the Commission Implementing Regulation (EU) 2020/1435 on the duties placed on registrants to update their registrations under REACH (includes information on determining when REACH registrations need to be updated – Section 7.2)

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- more information on the notification of ceasing the manufacture or import (Section 7.2)
- new section (Section 8) with information about when a registration is no longer valid
- new section (Section 4.3) on data sharing for joint submissions such as the data requirements, obligations, and conditions for opting out from the joint submission.

More information can be found at here.

Substances of very high concern identification (proposed)

On 3 September 2021, European Union (EU) Member States submitted proposals to identify the following three substances relevant to the Aerospace and Defense industry as Substances of Very High Concern (SVHCs):

- 6,6'-di-tert-butyl-2,2'-methylenedi-p-cresol (DBMC) (CAS No.: 119-47-1, EC No.: 204-327-1) – used in manufacture and formulation of rubber and non-rubber polymers at industrials sites in adhesives, lubricants, and similar products
- S-(tricyclo[5.2.1.0'2,6]deca-3-en-8(or 9)-yl) O-(isopropyl or isobutyl or 2-ethylhexyl) O-(isopropyl or isobutyl or 2-ethylhexyl) phosphorodithioate (CAS No.: 255881-94-8, EC No.: 401-850-9) – used in industrial formulation of lubricant, additives, lubricants, and greases
- tris(2-methoxyethoxy)vinylsilane (CAS No.: 1067-53-4, EC No.: 213-934-0) – used in manufacture of rubber, plastic, and sealants and as a laboratory chemical

The European Chemicals Agency has launched consultations on the SVHC identification proposals published by the Member States. Interested parties are invited to provide comments by 18 October 2021. If a substance is identified as an SVHC, it will be added to the Candidate List for eventual inclusion in the Authorisation List.

More information can be found here.

ECHA harmonized classification and labelling for three substances (consultation)

The European Chemicals Agency (ECHA) opened a consultation period to invite comments on the hazard classes of tetrasodium 4-amino-5-hydroxy-3,6-bis[[4-[[2-(sulphonatooxy)ethyl]sulphonyl] phenyl]azo]naphthalene-2,7-disulphonate; Reaction products of 4-amino-5-hydroxynaphthalene-2,7-disulfonic acid, coupled twice with diazotized 2-[(4-aminophenyl)sulfonyl]ethyl hydrogen sulfate, sodium salts; disodium 4-amino-5-hydroxy-3,6-bis{[4-(vinylsulfonyl) phenyl]diazenyl}naphthalene-2,7-disulfonate; (CAS No.: 17095-24-8, 100556-82-9; EC No.: 241-164-5) – used as a coloring agent for textiles and black toner particles

Interested parties can give comments related to the hazard classes open for commenting during the consultation in question by the deadline of 5 November 2021. More information can be found here.

In addition, ECHA opened a consultation period to invite comments on the hazard classes of 2 other substances:

- 7-oxabicyclo[4.1.0]hept-3-ylmethyl 7-oxabicyclo[4.1.0]heptane-3-carboxylate (CAS No.: 2386-87-0; EC No.: 219-207-4) – used in inks and coatings, electronics, and in the manufacture of polymers
- Formic acid...% (CAS No. 64-18-6; EC No. 200-579-1) – used in coatings, cleaning agents, preserving agents; as an intermediate; and in the manufacture of polymers and resins

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Interested parties can give comments related to the hazard classes open for commenting during the consultation in question by the deadline of 22 October 2021. You can provide comments here on 7-oxabicyclo[4.1.0]hept-3-ylmethyl 7-oxabicyclo[4.1.0]heptane-3-carboxylate and on Formic acid...%.

Community rolling action plan Substance Evaluation Conclusion: Bis(4-hydroxy-N-methylanilinium) sulphate (announced)

When an European Union (EU) Member State has evaluated or plans evaluate a substance over the coming years, the substance is added to a list called the Community rolling action plan (CoRAP). Bis(4-hydroxy-N-methylanilinium) sulphate (CAS No.: 55-55-0; EC No.: 200-237-1) was added to the CoRAP for substance evaluation by Italy to clarify concerns about mutagenicity and skin sensitization.

The conclusion of the substance evaluation yielded the need for follow-up regulatory action at the EU level in the form of assigning the following greenhouse gas hazard categories:

- sub-categorization as Skin sensitizer 1A; H317, STOT RE 1; H372
- germ cell mutagenicity 2; H341

Next steps include preparation of an Annex VI dossier according to the Classification, Labelling, and Packaging regulation. Annex VI 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.

More information can be found here.

European PFAS Ban (proposal)

Germany, the Netherlands, Sweden, Denmark, and Norway are intending to submit a restriction proposal for per- and polyfluoroalkyl substances (PFAS) to the European Chemicals Agency ECHA by 19 July 2022. The proposal will include restrictions on manufacturing, marketing, authorization, and use of PFAS. More than 6,000 substances and numerous uses/products were brought up for restriction in the proposal.

A survey has been issued (available until 17 October 2021) which aims to ensure that the information about PFAS and alternatives is accurate and representative of the market.

More information can be found here.

Belgium

Law on the marketing and use of explosive precursors (draft amendment)

On 23 August 2021, the Belgian Government submitted a draft law to implement the Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosive precursors. The European Union (EU) Regulation went into force 1 February 2021. The draft law amends the EU regulation as follows to implement it into Belgian law:

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- extension of the definition of "a member of general public" to any natural or legal entities acting for purposes unrelated to its commercial, industrial, or liberal activity
- termination of the registration process and introducing a licensing process
- provision of exchanging information between economic operators in the supply chain
- training of the personnel of the economic operators who provides explosive precursors to the general public
- verification of certain conditions at the point of sale
- an obligation for economic operators and online marketplaces to report suspicious transactions
- EU Member States must plan for awareness actions at least once a year
- additions and modifications of explosive precursors are included in the Annexes.

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

Finland

Government decree on certain plastic products (in force)

The Government of Finland published a decree on certain plastic products to reduce the environmental impact of certain plastic products. The decree establishes requirements associated with product labels and with prohibition of the placing on the market of products. The decree prohibits the following products from being placed on the market:

- all products containing oxo-degradable plastic
- disposal plastic products listed under Annex 1 of the regulation

The decree establishes the following labelling requirements for plastic products:

- statement saying it contains plastic
- waste disposal options to be avoided
- the adverse environmental effects of the product as a result of improper disposal of the product

Penalties for non-compliance include fines and retention of products by the relevant authorities.

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

Greece

Presidential Decree # 72 on protection of workers exposed to certain chemicals (published)

On 6 September 2021, the Government of Greece published the Presidential Decree # 72 on protection of workers exposed to certain chemicals (the Decree). This Decree amends Presidential Decree 307/1986 on maximum exposure limit values of chemical substances listed below:

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Chemical Substance	EC | CAS No.	Exposure Limit		Maximum Exposure Limit	
		ppm	mg/m3	ppm	mg/m3
aniline	200-539-3| 62-53-3	2	7.74	5	19.35
chloromethane	200-817-4|74-87-3	20	42	-	-
trimethylamine	200-875-0| 75-50-3	2	4.9	5	12.5
phenylpropane	202-704-5|98-82-8 2	10	50	50	250
acetic sec-butyl ester	203-300-1| 105-46-4	50	241	150	723
4- aminotoluene	203-403-1| 106-49-0	1	4.46	2	8.92
isobutyl ester	203-745-1| 110-19-0	50	241	150	723
Isoamyl alcohol	204-633-5| 123-51-3	5	18	10	37
butyl ester	204-658-1|123-86-4	50	241	150	723
phosphoryl Chloride	233-046-7| 10025- 87-3	0.01	0.064	0.02	0.13

This amendment is to implement the European Commission Directive 2019/1831 on establishing a fifth list of indicative occupational exposure limit values.

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

Switzerland

Amendment to ordinance on reduction of risks associated with chemicals (published)

On 9 September 2021, the Swiss Federal Office for the Environment (FOEN) published an amendment to the ordinance on the reduction of risks associated with chemicals (ORRChim). ORRChim prohibits or restricts the marketing and use of certain hazardous substances on its own or in preparations and articles. ORRChim is almost a combination of European Union Restriction of Hazardous Substances (EU RoHS), REACH Annex XVII Restricted Substance List, and REACH Annex XIV Authorization List.

The amendment adds an exemption to Annex 2.10 of the ordinance. Annex 2.10 contains all provisions related to refrigerants. It is prohibited to manufacture, place on the market, import on a private basis, or export ozone-depleting refrigerants with an ozone depleting potential greater than 0.0005. The amendment allows persons to request an exemption from the FOEN if their article does not allow compliance with the following refrigeration standards: SN EN 378-1: 2017 + A1: 2021, SN EN 378-2: 2017, and SN EN 378-3: 2017 + A1: 2021.

The amendment also specifies exemptions under Annex 2.18 which contains all provisions related to electrical and electronic equipment. It is prohibited to place on the market electrical and electronic equipment, cables, or spare parts if the concentration by mass of the substances listed in Annex II of EU RoHS (Directive 2011/65/EU) exceeds the specific maximum concentration in the homogenous material. However, this prohibition does not apply to electrical and electronic equipment, cables and spare parts which contain substances included in Annexes III and IV of EU RoHS in the specified applications listed there.

Annex II of EU RoHS contains the restricted substances and maximum concentration values by weight in homogeneous material. Annexes III and IV of EU RoHS contain applications which are exempt from the restrictions listed in the regulation.

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

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

United Kingdom

Downstream User Import Notification requirement for United Kingdom Health and Safety Executive (published)

Under the United Kingdom (UK) REACH Regulation, Great Britain (GB)-based companies that were downstream users or distributors under the European Union [EU] REACH Regulation before 1 January 2021 (end of Brexit transition period) will become importers. If these companies wish to continue to import substances into GB from the EU, they are required to submit a Downstream User Import Notification (DUIN) to the UK Health and Safety Executive (HSE) by 27 October 2021.

Following the successful submission of the DUIN, the registration obligation under the UK REACH Regulation is essentially deferred to the following dates:

- 28 October 2023 for
  - tonnage band of 1,000 tonnes or more per year
  - tonnage band of 100 tonnes or more per year for substances that are very toxic to aquatic organisms
  - tonnage band of 1 tonnes or more per year for substances that are carcinogenic, mutagenic, or toxic for reproduction
  - substances on the Candidate List (as of 31 December 2020)
- 28 October 2025 for
  - tonnage band of 100 tonnes or more per year,
  - substances on the Candidate List (as of 27 October 2023)
- 28th October 2027 for:
  - tonnage band of 1 tonne or more per year

In cases where these companies do not submit a DUIN by 27 October 2021, they will have to cease all imports of the substance(s) or complete a full registration in order to continue to import the substance(s).

More information can be found here.

Authorization decisions under UK REACH (published)

The United Kingdom (UK) has granted the first authorizations under UK REACH. Authorization is the process under UK REACH that phases out the use of hazardous substances of very high concern (SVHCs). It ensures that these SVHCs are progressively replaced by safer alternatives. Granting an authorization allows the use of substances on the authorization list to continue temporarily when the relevant criteria are met. The Health and Safety Executive (HSE) has published an excel list containing all applications for authorization received by the HSE and all authorizations that have been carried over ('grandfathered') from EU REACH.

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The 1st decision authorizes PPG Industries (UK) Ltd, Boeing Distribution (UK) Inc, and Wesco Aircraft EMEA, LTD (UK), the use of 4-tert-OPnEO (4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated) (CAS No.: 140-66-9; EC No.: 205-426-2) for:

- the formulation of a hardener component containing 4-tertOPnEO in aerospace and defense two-part polysulphide sealants
- mixing, by aerospace and defense companies and their associated supply chains, including the applicants of base polysulfide sealant components with 4-tert-OPnEO-containing hardener, resulting in mixtures containing <0.1% weight by weight of 4-tertOPnEO for aerospace and defense uses that are exempt from authorization under Art. 56(6)(a) of EU REACH

GB-based downstream users of a substance which is on the UK REACH Authorisation List must be covered by a UK REACH Authorisation. If this authorization has been granted to an applicant up their supply chain, they must notify HSE that they are a downstream user of a UK REACH Authorisation (submit an Article 66 notification). In addition, they might be required to submit specific monitoring data as a condition of the authorization.

More information on latest UK REACH authorization decisions can be found here. Information on the list of granted and applications in progress UK REACH authorizations can be found here.

Recommendation of priority substances to be included in Annex XIV of UK REACH 2021 (draft amendment)

On 31 August 2021, the United Kingdom (UK) Health and Safety Executive (HSE) published the Draft Recommendation and Initial Assessments documents, which provide substances considered for Annex XIV of the UK REACH regulation. Annex XIV contains the list of substances which are subject to authorization.

The UK HSE considered and assessed 12 prioritized substances for authorization from the candidate list of substances of very high concern (included in the Initial Assessments document). These substances include:

- dicyclohexyl phthalate (DCHP; CAS No.: 84-61-7)
- disodium octaborate (CAS No.: 1208-41-2)
- octamethylcyclotetrasiloxane (D4; CAS No.: 556-67-2)
- decamethylcyclopentasiloxane (D5; CAS No.: 541-02-6)
- dodecamethylcyclohexasiloxane (D6; CAS No.: 540-97-6)
- 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (DOTE; CAS Number: 15571-58-1)
- reaction mass of 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4 stannatetradecanoate and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4 octyl-7-oxo8-oxa-3,5-dithia-4-stannatetradecanoate (reaction mass of DOTE and MOTE; CAS No. not available)
- hydrogenated terphenyls (CAS No.: 61788-32-7)
- reaction products of 1,3,4-thiadiazolidine-2,5-dithione,formaldehyde and 4-heptylphenol, branched and linear [with ≥0.1% w/w 4-heptylphenol, branched and linear] (RP-HP with 4-HPbl; CAS No. not available)
- tetraethyl lead (CAS No.: 78-00-2)
- trimellitic anhydride (CAS No.: 552-30-7)
- 4,4'-bis(dimethylamino)-4''-(methylamino)trityl alcohol [with ≥ 0.1% of Michler's ketone (EC No.: 202-027-5) or Michler's base (EC No.: 202-959-2)] (trityl alcohol; CAS No.: 561-41-1)

From the aforementioned 12 substances, the UK HSE selected DCHP and disodium octaborate as substances to be included in the authorization list of the UK REACH regulation (specified in Draft Recommendation document). DCHP is commonly

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used in organic peroxides, semiconductors, and industrial adhesives. However, this has endocrine disrupting and reprotoxic properties. Disodium octaborate is used in adhesives, paints, and construction materials and has reprotoxic properties.

The decision on whether the other 10 substances from the list above should be included in the authorization list has been deferred until next year. Also, D4, D5, D6, reaction mass of DOTE and MOTE, hydrogenated terphenyls, and RP-HP with 4-HPbl require further information to determine if authorization is required.

The UK HSE opened a 3-month consultation period for the Draft Recommendation document (DCHP and disodium octaborate), which will end on 30 November 2021. This document will then be finalized by 31 December 2021.

More information can be found here. Additional information on initial assessments of some substances can be found here.

United States

Significant New Use Rules on certain chemical substances: 21-1.B (published)

The US Environmental Protection Agency (EPA) published significant new use rules (SNURs) for the SNUR Batch 21-1.B under the Toxic Substances Control Act (TSCA). The manufacturers/processors/importers of these substances must notify the EPA through submitting a Significant New Use Notice (SNUN) at least 90 days before manufacturing/processing/importing any of these substances for the significant new use. The manufacture or processing for the significant new use shall not commence until the EPA made an appropriate determination on the notice and has taken risk management actions because of the decision.

SNUR Batch 21-1.B consists of the following substances:

- formaldehyde, polymer with 4-(1,1-dimethylethyl)phenol and phenol, Buether (CAS No.: 2215936-67-5)
- fatty acids, coco, iso-Bu esters (CAS No.: 91697-43-7)

The EPA said that the release of the substances is a significant new use where it results in surface water concentrations exceeding 1 part per billion.

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 here.

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Toxic Substances Control Act compliance date extensions for PIP (3:1) (published)

In September 2021, the US Environmental Protection Agency (EPA) extended compliance dates for phenol isopropylated phosphate (3:1) (PIP (3:1)) (CAS No.: 68937-41-7) to 8 March 2022 to ensure supply chains are not interrupted for key consumer and commercial goods. The EPA is expected to issue a proposed rulemaking to further extend the compliance date. On 6 January 2021, the EPA had published a final rule for prohibition under Section 6(h) of the Toxic Substances Control Act (TSCA) for PIP (3:1) with an initial compliance date of 5 February 2021. On 8 March 2021, EPA issued a 180-day "No Action Assurance" regarding PIP (3:1) because of complaints made by industry.

PIP (3:1) is used as a flame retardant in consumer products, as a plasticizer, and as a lubricant and hydraulic fluid.

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

More information can be found here.

Final toxicological profiles for 1,2,3-trichloropropane and dinitrophenols issued by the US Agency for Toxic Substances and Disease Registry (published)

In August 2021, USA Agency for Toxic Substances and Disease Registry (ATSDR) published the final toxicological profiles for 1,2,3-trichloropropane (1,2,3-TCP) (CAS No.: 96-18-4) and dinitrophenols (DNPs) (see below for CAS Numbers), which outline the toxicology and adverse health effects of these substances. This may be employed for regulatory reviews/actions for the substances. 1,2,3-TCP is commonly used to synthesize other substances. DNPs are used as pH indicators and insecticide (only 2,4-DNP), and to make various substances (e.g., dyes, wood preservatives, photographic developers, and explosives.

Six isomeric forms of DNPs are covered in the toxicological profiles:

- 2,3-DNP (CAS No.: 66-56-8)
- 2,4-DNP (CAS No.: 51-28-5)
- 2,5-DNP (CAS No.: 329-71-5)
- 2,6-DNP (CAS No.: 573-56-8)
- 3,4-DNP (CAS No.: 577-71-9)
- 3,5-DNP (CAS No.: 586-11-8)

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

More information can be found here on 1,2,3-TCP and DNPs.

Protection of stratospheric ozone: Extension of the laboratory and analytical use exemption for essential class I ozone-depleting substances (published)

The US Environmental Protection Agency (EPA) is taking final action to revise the regulations regarding the production and import of class I ozone-depleting substances to indefinitely extend the essential laboratory and analytical use exemption. This exemption is currently set to expire on 31 December 2021, but this final action allows for continued production and import of class I substances solely for laboratory and analytical uses indefinitely past this deadline.

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This decision is made under the Clean Air Act and is consistent with the Montreal Protocol on Substances that Deplete the Ozone Layer.

More information can be found here.

Latest update to the Toxic Substances Control Act inventory (published)

The US Environmental Protection Agency (EPA) has released the latest updated Toxic Substances Control Act (TSCA) inventory. The current inventory contains 86,607 chemicals, having added 50 new substances since the last inventory update on 3 February 2021. Of these substances, 41,953 are active in U.S commerce, an increase of 89 active substances compared to the last update.

This update also includes new chemical substance additions, commercial activity data and regulatory flags, such as polymer exemptions, TSCA Section 4 test orders and TSCA Section 5 significant new use rules (SNURs).

While 390 chemicals with confidential business information (CBI) status were expected to move to the public portion of the TSCA Inventory, losing their confidential chemical identity status, their declassification has been delayed until the next inventory update, planned for winter 2022.

More information can be found here.

Octamethylcyclotetra-siloxane (D4); draft scope of the risk evaluation to be conducted under the Toxic Substances Control Act: Notice of availability and request for comments (draft amendment)

The US Environmental Protection Agency (EPA) published a notice announcing the availability of and soliciting public comment on the draft scope of the risk evaluation for octamethylcyclotetra-siloxane (D4; Cyclotetrasiloxane, 2,2,4,4,6,6,8,8-octamethyl-; CAS No.: 556-67-2). D4 is a colorless, oily liquid with an annual total production volume in the United States in 2015 between 750 million and 1 billion pounds.

This action is directed to the general public, chemical processors, distributors in commerce, users, non-governmental organizations in the environmental and public health sectors, state and local government agencies, and members of the public. It may be of specific interest to companies that manufacture and/or import D4.

The draft scope includes evaluation of:

- literature and available information
- conditions of use
- exposures, pathways and routes
- human health and the environmental hazards and effects
- potentially exposed or susceptible subpopulations
- conceptual models

Further, the draft scope includes an analysis plan and a plan for peer review. The analysis plan describes the general approaches that EPA plans to use for the various evidence streams (i.e., chemistry, fate, release and engineering, exposure, hazard). The EPA will determine whether the D4 presents an unreasonable risk of injury to health or the environment through the risk evaluation process.

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Interested companies should submit their comments no later than 25 October 2021.

More information can be found here.

Oceania

Australia

Mercury imports or exports after June 2020 (call for information)

The Australian Chemical Introduction Scheme (AICIS) calls for information on import and export of mercury. This regulatory obligation is part of the Industrial Chemicals Rules to ratify Minamata Convention in Australia. The Minamata Convention includes phase down and phase out of mercury in manufacturing processes and some products, as well as measures to control emissions and releases through usage, storage, and disposal of mercury.

The new call for information applies to importers and exporters of elements mercury (Hg (0) CAS Ho.: 7439-97-6) and mixtures of mercury (including alloys of mercury) with a concentration of at least 95% by weight.

Businesses who imported or exported mercury any time after 30 June 2020 are asked to submit the following information:

- importer/exporter details
- which form of mercury they imported/exported; elemental or mixtures (including alloys of mercury) with a concentration of at least 95% by weight
- confirmation or denial of future plans to import/export mercury

The AICIS has excluded the following compounds of mercury from the call for information:

- mercury (I) chloride (calomel) (CAS No.: 10112-91-1)
- mercury (II) oxide (CAS No.: 21908-53-2)
- mercury (II) sulphate (CAS No.: 7783-35-9)
- mercury (II) nitrate (CAS No.: 10045-94-0)
- cinnabar
- mercury sulphide (CAS No.: 1344-48-5)

More information can be found here.

Consultation on amendments to the Industrial Chemicals General Rules (draft amendment)

Industry and the Australia Office of Chemical Safety indicated the need to resolve some operations issues that have been identified since the implementation of the Industrial Chemicals (General) Rules in 2019. Current changes aim to resolve issues related to:

- general and reporting requirements for industrial chemicals introduced at the nanoscale

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- declarations about data ownership,
- annual declarations
- record-keeping for listed introductions, specified classes, designated releases to the environment, internationally assessed introductions
- import and export of chemicals subject to the Rotterdam Convention
- transitional provisions

Amendments will come into effect when the Minister makes the new Rules. Companies can provide comments via the online platform no later than 17 September 2021.

More information on the draft amendment can be found here.

New Zealand

Hazardous Substances and New Organisms Amendment Bill (draft amendment)

The Hazardous Substances and New Organisms Amendment Bill (the Bill) amends the Hazardous Substances and New Organisms Act 1996 (HSNO Act), which is the primary legislation designed to manage hazardous substances across their life cycle in New Zealand. The Bill (Amendment) was introduced to improve the process for assessing and reassessing hazardous substances.

According to the Bill, the proposed amendments to the HSNO Act include:

- temporarily restricting certain uses of hazardous substances during a reassessment process
- providing a simplified process for the New Zealand Environmental Protection Agency (EPA) to update hazard classifications of substances when the EPA has undertaken a recent assessment of a related hazardous substance
- enabling the delegation of some EPA decision-making
- aligning the time frames of assessment and reassessment of related hazardous substances
- setting specified criteria for the EPA to make rapid assessment for importation and manufacture of hazardous substances
- three technical amendments to correct omissions or ambiguous language

The Bill also aims to increase the efficiency and transparency of the reassessment process by:

- allowing the EPA to engage in targeted consultation about a hazardous substance
- requiring the EPA to develop a publicly available work plan for any reassessment process

More information can be found here.

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