#### THE INTERNATIONAL CADMIUM ASSOCIATION

**MONTHLY REGULATORY UPDATE**

**April 28, 2011**[[1]](#footnote-1)

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# **NEW DEVELOPMENTS**

New information is available on the following issues in this Update:

Federal Issues

CAA Issues

EPA Considering Amendments To Final Portland Cement Manufacturing NESHAP And NSPS, page 3

EPA Amends Rule To Correct Errors In Emissions Standards For Large Medical Waste Incinerators, page 4

Industry Groups Petition EPA To Delay Implementation Of Final Rules Intended To Reduce Emissions Of Air Pollutants From Existing And New Boilers And CISWI, page 4

TSCA Issues

Waxman Asks Chemical Manufacturers About Their Production Of PBTs, page 5

Representatives Urge Withdrawal Of IUR Rule, page 5

TSCA Reform Legislation Introduced, page 5

State Issues

*California*

OEHHA Posts Fact Sheet On Cadmium, page 6

Legislation Would Prohibit Reusable Bags Containing Cadmium In “Toxic Amounts,” page 6

Bill Would Create Product Stewardship Program For Household Batteries, page 7

*Illinois*

Legislation Introduced Concerning Coal Combustion Waste, page 7

*Maine*

Bill Introduced To Ensure Children’s Products Are Free Of Cadmium, page 8

*Maryland*

House Passes Bill That Would Prohibit Cadmium In Children’s Jewelry, page 8

*New York*

Bill Would Regulate Heavy Metals In Surface Coating And Cadmium In Children’s Jewelry, page 10

*North Carolina*

Bill Would Regulate CCR Constituents, Including Cadmium, page 11

*Oregon*

EPA And ODEQ Will Conduct Additional Monitoring For Cadmium, page 12

Miscellaneous Issues

House Subcommittee Holds Hearing On Discussion Draft Of Bill To Revise CPSIA, page 14

House Bill Includes Findings Regarding Cadmium In Vieques, Puerto Rico, page 14

Senate Committee Holds Oversight Hearing On Disease Clusters And Environmental Health, page 15

International Issues

CEC Releases 13th Edition Of *Taking Stock* Report, page 16

China Approves Remediation Plan For Xiangjiang River, page 16

China To Place Stricter Limits On Metals, Including Cadmium, In Infant Foods, page 17

Japan Designates 15 Chemicals, Including Several Metals, As “Special” Type I Chemicals, page 17

**FEDERAL ISSUES**

**CAA ISSUES**

**EPA Considering Amendments To Final Portland Cement Manufacturing NESHAP And NSPS**

According to EPA’s March 2011 AIL, EPA intends to address petitions from the Portland cement industry and environmental groups asking it to reconsider portions of two rules requiring cement kilns to control emissions of several pollutants, including **cadmium**, and, if necessary, propose revisions to the rules. EPA states that it will publish a *Federal Register* notice responding to four petitions to reconsider the NSPS and NESHAP for the cement industry, which were promulgated on September 9, 2010. If EPA determines any revisions are necessary, it will propose changes to the rules. EPA does “not anticipate any significant changes in rule stringency” as a result of the reconsideration. EPA states that it also received 20 petitions for judicial review of the September 9, 2010, final rule, and “anticipate[s] that these petitions will continue to go forward even as we reconsider some parts of the rule.” According to EPA, it intends to publish a *Federal Register* notice in 12 months or less. Under the final rule, measurement of PM is used as a surrogate for metals, including arsenic, **cadmium**, beryllium, and lead. More information is available at <http://www.epa.gov/lawsregs/regulations/ail.html#cement>.

**EPA Amends Rule To Correct Errors In Emissions Standards For Large Medical Waste Incinerators**

In an April 4, 2011, final rule, EPA amended its October 6, 2009, NSPS and emissions guidelines for large hospital, medical, and infectious waste incinerators. The 2009 rule sets more stringent emissions standards for PM, lead, **cadmium**, mercury, dioxins, furans, carbon monoxide, nitrogen oxides, hydrogen chloride, and sulfur dioxide. According to the April 4, 2011, final rule, “EPA was informed by a state agency post-proposal that the units’ description for the **Cd** and Hg emissions limits in Table 1B to subpart Ec (NSPS) included both the concentration units and the not-promulgated percent reduction alternative.” EPA amended Table 1B to subpart Ec to remove the units’ description for the not-promulgated percent reduction alternative and avoid any confusion regarding the elimination of the percent reduction alternative for new hospital, medical, and infectious waste incinerators in the October 6, 2009, final rule. EPA states that it found similar errors after reviewing the other emissions limits tables in the NSPS and emissions guidelines, and is amending Table 1A to subpart Ce and Table 1A to subpart Ec to restore the units’ description for the percent reduction alternative for these pollutants and avoid any confusion regarding the use of a percent reduction alternative for existing and new hospital, medical, and infectious waste incinerators under the original September 15, 1997, rule. The amendments will be effective **May 4, 2011**.

**Industry Groups Petition EPA To Delay Implementation Of Final Rules Intended To Reduce Emissions Of Air Pollutants From Existing And New Boilers And CISWI**

A coalition of 18 industry groups petitioned EPA on April 27, 2011, to delay implementation of its March 21, 2011, final rules intended to reduce emissions of air pollutants from existing and new boilers and CISWI. In a March 21, 2011, *Federal Register* notice, EPA announced that it will “reconsider” certain aspects of the rules. The petitioners, which include the National Association of Manufacturers, American Forest & Paper Association, the U.S. Chamber of Commerce, and Council of Industrial Boiler Owners, requested the stay because they may be required to spend millions of dollars to develop compliance plans for regulations that could change after EPA completes its reconsideration process. The petitioners asked EPA to stay implementation of the rules for the duration of the reconsideration process. The CISWI rule established emission limits for nine pollutants, including **cadmium**. The petition is available at <http://www.afandpa.org/temp/newsreleases/BoilerMACT-CISWIAdministrativeStayRequest4-27-11wAppx.pdf>. More information regarding the March 21, 2011, rules is available in our March 28, 2011, Update.

**TSCA ISSUES**

**Waxman Asks Chemical Manufacturers About Their Production Of PBTs**

On April 1, 2011, Representative Henry A. Waxman (D-CA), Ranking Member of the House Energy and Commerce Committee, sent letters to the CEOs of 15 chemical companies, requesting information about the production of PBTs. According to Waxman, better information from manufacturers is needed to understand what is already being done to protect the American people, and what more may need to be done through TSCA reform. The web page concerning the letters states: “PBT’s include some of the most notorious chemicals in commerce -- polychlorinated biphenyls (PCBs), DDT, dioxins, and metals such as lead, mercury, and **cadmium**. Exposures to PBT’s have been associated with cancer, neurotoxicity, reproductive and developmental toxicity, and genetic mutations.” The web page, which includes links to the letters, is available at <http://democrats.energycommerce.house.gov/index.php?q=news/rep-waxman-asks-chemical-manufacturers-about-their-production-of-persistent-bioaccumulative-and>.

**Representatives Urge Withdrawal Of IUR Rule**

In an April 4, 2011, letter to OMB, Representatives Fred Upton (R-MI), Chair of the House Energy and Commerce Committee, and John Shimkus (R-IL), Chair of the House Energy and Commerce Subcommittee on Environment and the Economy, stated that EPA’s final IUR rule should be withdrawn because it would needlessly burden the economy, imposing new and unwarranted cost burdens with no added benefit. Under the most recent IUR rule, promulgated in 2003, manufacturers must report information on chemicals between **June 1** and **September 30, 2011**. EPA issued a proposed rule in August 2010 that would require more information in the 2011 reporting period, and that some of the information on chemical volume cover not only 2010, but also 2006, 2007, 2008, and 2009. EPA submitted the final rule on January 20, 2011, to OMB for review, where it remains. The letter is available on the Internet at <http://republicans.energycommerce.house.gov/Media/file/Letters/LEW040411.pdf>.

**TSCA Reform Legislation Introduced**

On April 14, 2011, Senator Frank Lautenberg (D-NJ) introduced the “Safe Chemicals Act of 2011,” which is intended to modernize TSCA. According to the press release, the Act comports with the reform principles laid out by the Obama Administration, the American Chemistry Council, and the Safer Chemicals Healthy Families Coalition. The text of the bill is available at <http://lautenberg.senate.gov/assets/SafeChem.pdf>. B&C’s April 18, 2011, memorandum summarizing key differences between Lautenberg’s current bill and the bill he introduced in 2010, as well as significant provisions that have been retained, is available at <http://www.lawbc.com/news/2011/04/lautenberg-reintroduces-tsca-reform-legislation/>.

**STATE ISSUES**

***California***

**OEHHA Posts Fact Sheet On Cadmium**

As reported in our April 15, 2011, e-mail, on April 14, 2011, OEHHA posted a fact sheet on **cadmium**, which includes the following information:

What does it mean that **cadmium** is on California’s Proposition 65 list?

**Cadmium** is on the Proposition 65 list because it is known to cause cancer, developmental and reproductive harm.

This means that businesses must provide a warning if they manufacture or sell products that cause exposures to significant amounts of **cadmium**. The most common places for such warnings to appear are product labels and retail store shelves. Businesses whose operations could expose the public to significant amounts of **cadmium** must also provide warnings. Many businesses subject to this requirement provide the warning periodically in newspaper advertisements. Finally, significant amounts of **cadmium** cannot be discharged into drinking water sources.

Businesses that do not provide the required warning or that discharge the chemical into sources of drinking water may face civil lawsuits brought by state or local prosecutors or members of the public.

The fact sheet is available at <http://www.oehha.ca.gov/public_info/facts/cd_facts.html>.

**Legislation Would Prohibit Reusable Bags Containing Cadmium In “Toxic Amounts”**

On March 30 and April 14, 2011, the Assembly amended A.B. 298, which would prohibit manufacturers from selling or distributing reusable bags that contain “lead, **cadmium**, or any other heavy metal in toxic amounts.” The legislation would now prohibit toxic amounts “as defined by applicable state and federal standards and regulations for packaging or reusable bags.”

**Bill Would Create Product Stewardship Program For Household Batteries**

On April 5, 2011, the Senate Committee on Environmental Quality passed S.B. 515, which would require, by **September 30, 2012**, a producer or the household battery stewardship organization created by one or more producers of a household battery to submit a stewardship plan to CDRRR. The bill was referred to the Committee on Appropriations, and a hearing was scheduled for a May 2, 2011. The hearing was canceled at the request of Senator Corbett (D), the bill’s author, however. Under the bill, producers, wholesalers, and retailers would be prohibited from selling a household battery after **January 1, 2014**, unless CDRRR deems the plan complete. The bill notes that, under state law, “household batteries” are “batteries made of mercury, alkaline, carbon-zinc, and nickel-**cadmium**, and other batteries typically generated as household waste.”

***Florida***

**House And Senate Bills Introduced Concerning Cadmium In Children’s Products**

There is no new publicly available information to report regarding H.B. 111 and S.B. 272. The bills would prohibit the use or application of **cadmium** in excess of 75 ppm on any item of children’s jewelry, toy, or child care article sold in Florida. Child is defined as an individual seven years old or younger. The bills would take effect on **July 1, 2011**. More information is available in our March 28, 2011, Update.

***Hawaii***

**House And Senate Bills Introduced Concerning Cadmium In Children’s Products**

There is no new publicly available information to report regarding H.B. 722 and S.B. 916, which would prohibit the sale, manufacture, and distribution in Hawaii of children’s products that contain **cadmium** in an amount more than .004 percent by weight. The prohibition would take effect on **July 1, 2013**. More information is available in our February 28, 2011, Update.

***Illinois***

**Legislation Introduced Concerning Coal Combustion Waste**

On April 6, 2011, the House passed H.B. 3620, which concerns the storage or disposal of coal combustion waste that is reused as structural fill at a site or facility, if that waste is fully encapsulated. On April 11, the bill had its first reading in the Senate and was referred to the Senate Committee on Assignments. The bill would define “fully encapsulated” as “encased or enclosed in such a way as to prevent the leaching of coal combustion residual constituents, including, but not limited to, antimony, arsenic, barium, beryllium, **cadmium**, chromium, lead, mercury, nickel, selenium, silver, and thallium, in trace amounts or otherwise.”

***Kentucky***

**House Bill Would Restrict Cadmium In Children’s Articles**

There is no new publicly available information to report regarding H.B. 443, which would prohibit the manufacture, sale, offer for sale, or distribution of any children’s product that contains **cadmium** at more than .004 percent by weight. More information is available in our February 28, 2011, Update.

***Maine***

**Bill Introduced To Ensure Children’s Products Are Free Of Cadmium**

On April 12, 2011, the Joint Standing Committee on Health and Human Services referred L.D. 492, which is intended to ensure that children’s products are free of **cadmium**, to the Joint Standing Committee on Environment and Natural Resources. The bill would prohibit the manufacture, sale, distribution, or offer for sale or distribution of a children’s product containing **cadmium** at more than .004 percent by weight beginning **July 1, 2013**.

**Bill Introduced To Amend Process For Prioritizing Toxic Chemicals Under The Kid-Safe Products Law**

There is no new publicly available information regarding L.D. 1185, which would amend the process for prioritizing toxic chemicals in children’s products. Under the bill, the MDEP, with input from the MDHHS and MCDC, would publish a list of chemicals that are candidates for designation as priority chemicals. The initial list, which must be published by **January 1, 2012**, would include at least 10 and no more than 50 chemicals. More information is available in our March 28, 2011, Update.

***Maryland***

**House Passes Bill That Would Prohibit Cadmium In Children’s Jewelry**

On April 5, 2011, the Senate unanimously passed H.B. 145, as amended, which would prohibit a person, on or after **July 1, 2012**, from manufacturing, selling, offering for sale, or distributing children’s jewelry that contains **cadmium** at more than .0075 percent by weight. The bill was amended to define children’s jewelry as any jewelry designed or intended to be worn or used by a child under the age of 13 years rather than 12 years. The bill would take effect on **July 1, 2011**. On April 8, 2011, the House concurred in the Senate amendments, and the bill is now eligible for the Governor’s signature.

***Massachusetts***

**Bill Would Prohibit Cadmium In Children’s Jewelry**

There is no new publicly available information to report regarding S.B. 1074, which would prohibit any person from manufacturing, knowingly selling, offering for sale, distributing for sale, or distributing for use children’s jewelry containing **cadmium** in any paint or surface coating or accessible substrate that exceeds 75 ppm. The bill would define child as an individual who is six years of age or younger, and children’s jewelry as jewelry that is primarily designed, marketed, and intended for use by a child. The bill would apply to products that are manufactured after **December 31, 2011**.

**Bill Would Designate Cadmium As A Priority Chemical Substance**

There is no new publicly available information regarding H.B. 1136, which would establish safer alternatives to toxic chemicals. Upon enactment, **cadmium**, trichloroethylene, and nonylphenol ethoxylates would be designated as priority chemical substances. The bill would require the promotion of safer alternatives to priority chemical substances. Similar legislation (S.B. 397) is before the Senate.

***New Jersey***

**Bills Introduced To Prohibit The Sale Of Children’s Products Containing Cadmium**

There is no new publicly available information to report regarding A.B. 2259 and S.B. 1636, which would prohibit the sale of certain children’s products containing lead, mercury, or **cadmium**. Under the bills, no person shall sell, offer for sale, distribute, import, or manufacture any children’s product intended for use by a child under the age of six years containing, composed of, or made with lead, mercury, or **cadmium**. The bills would take effect on the first day of the seventh month following enactment. More information is available in our March 28, 2011, Update.

***New York***

**Bill Would Regulate Heavy Metals In Surface Coating And Cadmium In Children’s Jewelry**

A.B. 6758, which was introduced on March 28, 2011, would regulate heavy metals in surface coating and **cadmium** in children’s jewelry. Child would be defined as a person 6.5 years of age or younger, and children’s jewelry would be defined as jewelry designed or intended primarily for use by a child. The bill would prohibit heavy metals, including **cadmium**, in paint or surface coatings of children’s jewelry, as well as cadmium in plastic and metal components of children’s jewelry. The bill was referred to the Committee on Consumer Affairs and Protection.

**Bill Would Direct Commissioner Of Health To Establish Standards For Cadmium In Children’s Jewelry**

There is no new publicly available information to report regarding A.B. 5548, which, in the absence of a federal standard, would require the Commissioner of Health to establish the maximum quantity of **cadmium** in children’s jewelry. Until the Commissioner establishes a maximum level, the sale of children’s jewelry containing **cadmium** in excess of 0.5 ppm would be prohibited. Children would be defined as children aged 12 years and younger, and children’s jewelry would be defined as jewelry that is made for, marketed for, used by, or marketed to children. More information is available in our March 28, 2011, Update.

**Bill Would Regulate Cadmium In Children’s Jewelry**

There is no new publicly available information to report regarding S.B. 4055 and A.B. 6758, which would prohibit heavy metals in paint or surface coatings of children’s jewelry, and regulate **cadmium** in children’s jewelry. Child would be defined as a person who is six and one-half years of age or younger, and children’s jewelry would be defined as jewelry designed or intended primarily for use by a child. More information is available in our March 28, 2011, Update.

**Bills Introduced To Regulate Toys Contaminated With Toxic Substances**

There is no new publicly available information to report regarding A.B. 5711 and S.B. 2443, which would prohibit the import, manufacture, sale, or distribution of a toy or other article that is contaminated with any toxic substance. A toy would be contaminated with a toxic substance if it meets certain conditions, including is coated with soluble compounds of **cadmium**. Child would mean any person less than 14 years of age, and toy would mean an article or item designed and made for the amusement of a child or for his or her use in play. The law would take effect immediately. More information is available in our March 28, 2011, Update.

**Bill Would Prohibit Child Care Centers From Using Toxic Toys**

There is no new publicly available information regarding A.B. 6363, which would prohibit every child day care, child day care provider, child day care center, group family day care home, school-age child care, or family day care home from using or having for use toxic toys. Toxic toys would include those coated with soluble compounds of **cadmium**. The bill would take effect 60 days after enactment. More information is available in our March 28, 2011, Update.

**Bill Would Limit Use Of Cadmium In Brake Friction Material**

There is no new publicly available information regarding S.B. 1356, which would limit the use of certain substances, including **cadmium**, in brake friction material. More information is available in our March 28, 2011, Update.

**Bills Introduced Concerning Children’s Products And Novelty Consumer Products**

There is no new publicly available information regarding the following bills that would regulate **cadmium** in children’s products and novelty consumer products. More information is available in our February 28, 2011, Update.

* A.B. 3141 and S.B. 1526 would regulate toxic chemicals in children’s products. The bill would designate several chemicals, including **cadmium**, as priority chemicals. Two years after the effective date of the bills, the distribution, sale, or offer for sale of an item of children’s apparel or a children’s novelty product containing a priority chemical would be prohibited.
* A.B. 1158 and S.B. 2729 would ban the sale or distribution free of charge of any **cadmium**-added novelty consumer product beginning **June 1, 2013**.
* A.B. 3678, which would prohibit the use of **cadmium** in children’s products, including toys, children’s jewelry, or another article, other than clothing, primarily intended for use by a child under 12 years of age.

***North Carolina***

**Bill Would Regulate CCR Constituents, Including Cadmium**

H.B. 722, which was introduced on April 7, 2011, would (1) prohibit electric public utilities that operate coal-fired generating units from purchasing or using coal that is extracted using mountaintop removal coal mining; (2) require permits for certain solid waste disposal sites for the reuse of combustion products and for certain solid waste disposal sites for structural fill and to establish permit fees for these disposal sites, to protect the public health and the environment; and (3) provide economic relief to electric utility ratepayers by placing a moratorium on the construction of any new coal-fired power plant unless it is carbon neutral. The bill would define “fully encapsulated” to mean encased or enclosed in such a way as to prevent the leaching of CCR constituents, including **cadmium**, in trace amounts or otherwise.

***Oregon***

**EPA And ODEQ Will Conduct Additional Monitoring For Cadmium**

EPA released on April 25, 2011, the final report on analysis of air toxics monitoring data near Harriet Tubman School in Portland, Oregon. EPA and ODEQ hosted a public meeting on the air monitoring report on April 27, 2011. EPA’s April 25, 2011, press release states:

EPA’s analysis also found that concentrations of a toxic metal, **cadmium**, indicate a potential level of concern for long-term continuous exposure. The elevated **cadmium** levels, while not indicating a level of significant concern for health effects at the Harriet Tubman School, are a potential concern. This spring EPA and DEQ will conduct additional monitoring for **cadmium** in this area to better understand the elevated levels, identify the source(s) and characterize any potential exposure to the community.

More information regarding EPA’s School Air Toxics Monitoring Initiative is available at <http://www.epa.gov/schoolair/>. More information regarding the monitoring at Harriet Tubman School is available at <http://www.deq.state.or.us/aq/toxics/schools.htm>.

***South Dakota***

**Bill Would Prohibit Use Of Cadmium In Certain Products**

There is no new publicly available information to report regarding H.B. 1254, which would prohibit the use of **cadmium** at more than 0.004 percent by weight in children’s products. The ban would take effect on **July 1, 2012**. More information is available in our February 28, 2011, Update.

***Tennessee***

**Bills Would Ban Cadmium In Children’s Products**

There is no new publicly available information to report regarding H.B. 189 and S.B. 244, which would prohibit the manufacture, sale, offer for sale, or distribution of children’s products that contain **cadmium** at more than .004 percent by weight, beginning **July 1, 2013**. More information is available in our February 28, 2011, Update.

***Washington***

**WDE Releases Children’s Safe Products Rule, Which Includes Cadmium**

There is no new publicly available information to report regarding the October 22, 2010, proposed Children’s Safe Products Rule, which includes **cadmium** and **cadmium compounds** on the list of CHCCs. WDE’s tentative timeline for formal rulemaking includes the following actions:

| **Date** | **Action** |
| --- | --- |
| January - March 2011 | * Prepare Concise Explanatory Statement and Public Hearing Memo.
* Draft Rule Adoption Notice.
* Finalize Cost Benefit Analysis, Small Business Impact Statement, Significant Legislative Rules Criteria Document, Citation List, and Rule Implementation Plan.
 |
| April 2011 | Adopt, file, and publish the rule and send out Rule Adoption Notice. |
| May 2011 | Rule goes into effect (31 days after it has been adopted and filed). |

More information on the Rule is available at <http://www.ecy.wa.gov/programs/swfa/rules/ruleChildSafe.html>.

**MISCELLANEOUS ISSUES**

**IRIS Assessment**

There is no new publicly available information to report regarding the detailed tracking report for **cadmium** (qualitative and quantitative), which includes the following information:

| **Activity/Event** | **Start Date** | **End Date** |
| --- | --- | --- |
| **1. Draft Development** | TBD | TBD |
| **2. Agency Review** | TBD | TBD |
| **3. Interagency Review** | TBD | TBD |
| **4. External Peer Review** | TBD | TBD |
| **5. Final Assessment/Posting** | TBD | TBD |

**House Subcommittee Holds Hearing On Discussion Draft Of Bill To Revise CPSIA**

On April 7, 2011, the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade held a hearing on the discussion draft of a bill that would revise the CPSIA. According to the background memorandum, the legislation is intended to reduce the regulatory burdens created by CPSIA where possible to do so without harming consumers; enhance the CPSC’s ability to investigate complaints and to prioritize based on risk; and improve the utility and accuracy of information in the CPSC’s public database. The discussion draft is available on the Internet at <http://republicans.energycommerce.house.gov/Media/file/Hearings/CTCP/040711/CPSIA.pdf>. More information regarding the hearing is available at <http://energycommerce.house.gov/hearings/hearingdetail.aspx?NewsID=8422>.

**House Bill Includes Findings Regarding Cadmium In Vieques, Puerto Rico**

The Vieques Recovery and Development Act of 2011 (H.R. 1645), which was introduced in the House on April 15, 2011, would construct a specialty hospital and toxins research center on the island of Vieques, Puerto Rico, and would provide individual compensation to certain residents. The bill’s findings include the following references to **cadmium**:

According to records of the Federal Government and testimony of Navy personnel, the island of Vieques, Puerto Rico, has high levels of heavy metals and has been exposed to chemical weapons and toxic chemicals, including napalm, agent orange, depleted uranium, white phosphorous, arsenic, mercury, lead, aluminum, **cadmium**, antimony, magnesium, TNT, PCBs, RDX, barium, cyanide, solvents, and pesticides. All of these weapons and chemicals have been deployed on the island of Vieques, Puerto Rico, in the interest of training for the defense of our Nation.

. . .

A 1999 study conducted by Dr. Colon de Jorge reported that 34 percent of the residents of the island of Vieques, Puerto Rico, have toxic levels of mercury in their blood stream, 55 percent are contaminated with lead, 69 percent are contaminated with arsenic, 69 percent are contaminated with **cadmium**, 90 percent are contaminated with aluminum, and 93 percent are contaminated with antimony.

The bill was referred to the Committee on Natural Resources, Energy and Commerce, and the Judiciary for consideration of the provisions falling within the jurisdiction of the Committee concerned.

**Senate Committee Holds Oversight Hearing On Disease Clusters And Environmental Health**

On March 29, 2011, the U.S. Senate Committee on Environment and Public Works held a hearing entitled “Oversight Hearing on Disease Clusters and Environmental Health.” Committee Chair Barbara Boxer (D-CA) and Senator Mike Crapo (R-ID), Ranking Member of the Superfund, Toxics, and Environmental Health Subcommittee, introduced the Strengthening Protections for Children and Communities from Disease Clusters Act (S. 76), also known as Trevor’s Law, on January 25, 2011. The bill would require EPA to:

1. Develop, publish, and update guidelines on an approach to investigate suspected or potential disease clusters, environmental pollutants, or toxic substances associated with such clusters, or potential causes of such clusters;

2. Establish and operate Regional Disease Cluster Information and Response Centers and Regional Disease Cluster Information and Response Teams;

3. Ensure that the Office of Children’s Health Protection has a prominent role in developing and updating such guidelines and in establishing and operating such Centers and Teams;

4. Establish Community Disease Cluster Advisory Committees to provide oversight, guidance, and advice relating to such investigations;

5. Provide support to individuals on such Teams and Committees through grants and cooperative agreements with institutions of higher education;

6. Compile and update a publicly available, online database that provides information relating to disease clusters; and

7. Use available authorities and programs to compile, research, and analyze information generated by actions authorized under the Act.

Under the bill, any person could petition EPA, ATSDR, and NIEHS to request that a Response Team conduct an investigation or take action to address the potential causes of disease clusters. EPA would be authorized to make grants to any group of individuals that may be affected by such clusters. On March 29, 2011, NRDC and the National Disease Cluster Alliance released an issue paper documenting 42 disease clusters in 13 states. The paper, entitled *Health Alert: Disease Clusters Spotlight the Need to Protect People from Toxic Chemicals*, mentions **cadmium**. The paper is available at <http://www.nrdc.org/health/diseaseclusters/>. More information regarding the Senate hearing is available on the Internet at <http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=df802290-802a-23ad-480f-eba51b046c02>.

**INTERNATIONAL ISSUES**

**CEC Releases 13th Edition Of *Taking Stock* Report**

CEC announced on April 12, 2011, the availability of the 13th edition of its *Taking Stock* report, which “provides the most comprehensive picture of industrial pollution across North America.” The report documents reported releases and transfers of 5.7 billion kilograms of pollutants from facilities reporting to pollutant release and transfer register programs in Canada, Mexico, and the U.S. CEC states: “The report highlights sources of pollutants, including heavy metals, found in two important cross-border river systems -- the Rio Grande/Río Bravo and the Columbia River watersheds.” The report includes **cadmium** on tables listing releases to water of pollutants of special interest, by cancer and non-cancer risk scores, North America, 2006; reported releases to the Rio Grande/Río Bravo, by pollutant, TRI and RETC, 2006; reported releases to the Columbia River, by pollutant, NPRI and TRI, 2006; and pollutants common to at least two of the three North American PRTRs, 2006. The report is available at <http://www.cec.org/Page.asp?PageID=122&ContentID=17678>.

**China Approves Remediation Plan For Xiangjiang River**

China announced on March 18, 2011, that it has approved a remediation plan for the Xiangjiang River, costing 59.5 billion yuan ($9.1 billion) over the next ten years and focusing on areas near eight cities along the river. The plan will focus on controlling industrial emissions of lead, mercury, **cadmium**, chromium, arsenic, and other heavy metals in an attempt to make the Xiangjiang the “Rhine of the Orient” and to serve as a model for heavy metal pollution remediation nationally. Under the plan, China hopes to reduce emissions of heavy metals into the river by 70 percent by **2015** compared to 2008 levels, and to have the problem “basically” solved by **2020**.

**China To Place Stricter Limits On Metals, Including Cadmium, In Infant Foods**

The Chinese Center for Disease Control and Prevention stated on April 17, 2011, that China would impose stricter and more scientific safety limits on toxic metals, including arsenic, lead, and **cadmium**, in complementary baby foods. According to the Center, China enforces stricter limits on arsenic, lead, and **cadmium** in grain baby foods than the standards set by the Codex Alimentarius Commission. The Codex did not set limits on arsenic and lead in complementary grain foods intended for infants, while China allows 200 micrograms of each of these two elements per kilogram in the products. Further, both the Codex and China have not set limits on **cadmium** in baby products, but China allows 0.2 microgram of **cadmium** per kilogram in rice, which is the major raw material for baby foods. The Codex limit for rice is 0.4 microgram per kilogram. China’s Ministry of Health has asked the Center and a food safety expert panel under the Ministry to research and review the impact of the presence of these metals on the infants’ health. The United Kingdom’s *Daily Telegraph* reported earlier this month that toxic contaminants, including arsenic, lead, and **cadmium**, have been found in baby foods, citing research results from scientists of the Karolinska Institute in Sweden.

**Japan Designates 15 Chemicals, Including Several Metals, As “Special” Type I Chemicals**

Effective April 1, 2011, Japan designated 15 chemicals, including **cadmium and composites**, as “special” Type I chemicals that could have an effect on fauna and flora and that must be submitted for extensive government examination before manufacture or importation. The designation was made under the amended Chemical Substances Control Law, and METI, as required by the amended Law, also revised the list of Type I chemicals classified as substances with the highest carcinogenic property, adding 167 chemicals to the category and deleting 57 substances. Type I chemicals are subject to both pollutant release and transfer and MSDS regulations. METI also added 50 chemicals to the list of Type II chemicals, and deleted 28 chemicals. Type II chemicals are subject to the MSDS regulations requiring chemical property and safety information before delivery. METI also changed the designation of 19 Type II chemicals to Type I, and 16 Type I chemicals to Type II. More information is available at <http://www.meti.go.jp/policy/chemical_management/english/documents.html>.

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Unless otherwise noted, if you have questions about any item summarized above, please call or e-mail Lynn L. Bergeson at (202) 557-3801 or lbergeson@lawbc.com, or Carla N. Hutton at (202) 557-3809 or chutton@lawbc.com.

## ACRONYMS

**AIL** -- Action Initiation List

**ATSDR** -- Agency for Toxic Substances and Disease Registry

**B&C** -- Bergeson & Campbell, P.C.

**CAA** -- Clean Air Act

**CCR** -- Coal Combustion Residual

**CDRRR** -- California Department of Resources Recycling and Recovery

**CEC** -- Commission for Environmental Cooperation

**CEO** -- Chief Executive Officer

**CHCC** -- Chemicals of High Concern for Children List

**CISWI** -- Commercial and Industrial Solid Waste Incinerators

**CPSC** -- United States Consumer Product Safety Commission

**CPSIA** -- Consumer Product Safety Improvement Act of 2008

**EPA** -- United States Environmental Protection Agency

**ICdA** -- International Cadmium Association

**IRIS** -- Integrated Risk Information System

**IUR** -- Inventory Update Reporting

**MCDC** -- Maine Center for Disease Control and Prevention

**MDEP** -- Maine Department of Environmental Protection

**MDHHS** -- Maine Department of Health and Human Services

**METI** -- Ministry of Economy, Trade, and Industry

**MSDS** -- Material Safety Data Sheet

**NESHAP** -- National Emission Standard for Hazardous Air Pollutants

**NIEHS** -- National Institute of Environmental Health Sciences

**NPRI** -- National Pollutant Release Inventory

**NRDC** -- Natural Resources Defense Council

**NSPS** -- New Source Performance Standard

**ODEQ** -- Oregon Department of Environmental Quality

**OEHHA** -- Office of Environmental Health Hazard Assessment

**OMB** -- Office of Management and Budget

**PBT** -- Persistent, Bioaccumulative, and Toxic

**PM** -- Particulate Matter

**ppm** -- Part Per Million

**PRTR** -- Pollutant Release and Transfer Register

**RETC** -- Registro de Emisiones y Transferencia de Contaminantes

**TBD** -- To Be Determined

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**WDE** -- Washington Department of Ecology

1. This Update addresses significant federal, state, and international environmental and occupational safety and health regulatory issues and ongoing advocacy efforts pertinent to the ICdA member companies. A list of acronyms used in this Update is provided. [↑](#footnote-ref-1)