#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**January 28, 2012**[[1]](#footnote-1)

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# NEW DEVELOPMENTS

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

Federal Issues

RCRA/CERCLA Issues

NGOs File Notice Of Intent To Sue Over Delay In Final Coal Ash Regulation, page 3

EPCRA Issues

EPA Releases 2010 TRI National Analysis, page 4

CWA/SDWA Issues

EIP Report Identifies Coal Ash Dump Sites Causing Groundwater And Soil Contamination, page 4

TSCA Issues

Representatives Ask EPA To Postpone CDR Deadline, page 5

B&C And BCCM Hold CDR Reporting Workshop, EPA Says It Will Provide Additional Guidance, page 5

State Issues

Coalition Says 28 States Will Consider Toxic Chemicals Legislation In 2012, page 6

*California*

East Bay Body Burden Study Will Assess Heavy Metal Pollution Present In Children, page 7

*Hawaii*

Bill Would Prohibit Certain Chemicals, Including Cadmium, In Packaging, page 7

*New Jersey*

Legislation Introduced To Prohibit The Sale Of Certain Children’s Products Containing Lead, Mercury, Or Cadmium, page 7

*New York*

Bills Would Designate Cadmium As A Priority Chemical, page 8

Assembly Bill Would Prohibit Use Of Cadmium In Children’s Products, page 8

Bill Would Direct Commissioner Of Health To Establish Standards For Cadmium In Children’s Jewelry, page 8

Bills Would Regulate Cadmium In Children’s Jewelry, page 8

Miscellaneous Issues

ATSDR Releases Draft Vieques Report, page 9

IRIS Assessment

*IRIS Acting Director Defends EPA’s Approach To Adopting NAS Recommendations*, page 11

*Omnibus Appropriations Bill Includes Provisions Regarding IRIS*, page 11

*GAO Finds Challenges Remain With EPA’s 2009 IRIS Process*, page 12

NIOSH Posts Dust Control Handbook For Industrial Minerals Mining And Processing, page 13

International Issues

*Canada*

Canada Warns Consumers Of High Levels Of Lead And Cadmium In Some Children’s Jewelry, page 13

Canada Amends Environmental Emergency Regulations, page 14

Yukon Government Promises To “Remain Vigilant” In Water Testing, page 15

*China*

CFS Releases Food Safety Reports For October And November 2011, page 15

Greenpeace Announces Heavy Metals Found In Children’s Products On The Chinese Market, page 16

Russia Returns Peanuts Containing Cadmium To China, page 16

Mining Company Responsible For Cadmium Contamination In Longjiang River, page 16

*Philippines*

EcoWaste Coalition Tests Cosmetics Products, Toys, And Other Items For Heavy Metals, page 17

**FEDERAL ISSUES**

**RCRA/CERCLA ISSUES**

**NGOs File Notice Of Intent To Sue Over Delay In Final Coal Ash Regulation**

On January 18, 2012, environmental and public health NGOs announced their intent to sue EPA in federal court to force EPA to promulgate a final regulation concerning coal ash. Earthjustice, on behalf of the NGOs, sent EPA a notice of intent to sue under RCRA. In its press release, Earthjustice states: “The law requires the EPA to ensure that safeguards are regularly updated to address threats posed by wastes. However, the EPA has never undertaken any action to ensure safeguards address the known threats posed by coal ash, a toxic mix of arsenic, lead, hexavalent chromium, mercury, selenium, **cadmium** and other dangerous pollutants that result from burning coal at coal-fired power plants.” More information is available at <http://earthjustice.org/news/press/2012/delayed-coal-ash-protections-put-public-health-at-risk>.

**EPCRA ISSUES**

**EPA Releases 2010 TRI National Analysis**

On January 5, 2012, EPA released its annual national analysis of the TRI. Total releases, including disposals for the latest reporting year, 2010, are higher than the previous two years, but lower than 2007 and prior year totals. According to EPA, the 2010 TRI data show that 3.93 billion pounds of toxic chemicals were released into the environment nationwide, a 16 percent increase from 2009. EPA states that the increase “is mainly due to changes in the metal mining sector, which typically involves large facilities handling large volumes of material. In this sector, even a small change in the chemical composition of the ore being mined -- which EPA understands is one of the reasons for the increase in total reported releases -- may lead to big changes in the amount of toxic chemicals reported nationally.” EPA notes that several other sectors also reported increases in toxic releases in 2010, including the chemical and primary metals industries. Total air releases decreased 6 percent since 2009. Releases into surface water increased 9 percent and releases into land increased 28 percent since 2009, again due primarily to the metal mining sector. More on the 2010 TRI analysis is available at <http://www.epa.gov/tri>.

**CWA/SDWA ISSUES**

**EIP Report Identifies Coal Ash Dump Sites Causing Groundwater And Soil Contamination**

In a December 13, 2011, report entitled *Risky Business: Coal Ash Threatens America's Groundwater Resources at 19 More Sites*, EIP identified a total of 20 additional coal ash dump sites that it claims caused groundwater and soil contamination in ten states -- Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Nevada, South Carolina, Tennessee, and Texas. EIP states that MCLs for antimony, barium, **cadmium**, chromium, and selenium were exceeded at one or more locations. EIP’s report is available at <http://www.environmentalintegrity.org/documents/121311EIPThirdDamageReport.pdf>.

**TSCA ISSUES**

**Representatives Ask EPA To Postpone CDR Deadline**

In a January 13, 2012, letter to EPA Administrator Lisa Jackson, Representatives Fred Upton (R-MI), Chair of the House Energy and Commerce Committee, and John Shimkus (R-IL), Chair of the Energy and Commerce Subcommittee on Environment and the Economy, asked EPA to postpone the CDR implementation and compliance deadlines from **February 1, 2012**, to align it with the future CDR submission periods -- **June 1** to **September 30, 2016**. The Representatives note the following examples of questions that EPA personnel could not answer during a November 16, 2011, webinar and for which EPA had still not posted answers on its website:

1. Must a manufacturer report on its entire byproduct stream or just on the amount sent for recycling?

2. Must a metal extracted from a byproduct be reported under the rule?

3. Is double reporting required for extracted substances if sold as individual chemicals?

4. What is an ‘exporter” under the rule?

5. Is reporting required if the same chemical changes concentration?

6. Must a used solvent that is resold be reported?

The Representatives asked for a response by **January 20, 2012**. An EPA spokesperson said EPA could not immediately comment on the letter. The letter is available at <http://republicans.energycommerce.house.gov/Media/file/Letters/112th/011312%20Letter%20to%20EPA.pdf>.

**B&C And BCCM Hold CDR Reporting Workshop, EPA Says It Will Provide Additional Guidance**

On January 19, 2012, B&C and BCCM convened a workshop at which invited EPA staff reviewed case studies on reporting obligations for byproduct and recycled materials under the CDR rule. During the workshop, Susan Sharkey, EPA, stated that EPA intends to post by **February 1, 2012**, additional guidance to help electronics manufacturers, metal recyclers, and other companies understand what obligations they have to report production volume and other information concerning byproduct chemicals. The following documents are available on B&C’s website at <http://www.lawbc.com/share/cdrworkshop011912/>:

* The invitation for the workshop;
* EPA’s slides;
* The case studies that were compiled by BCCM and that reflect real-life situations from multiple industry groups; and
* A recording of the workshop.

EPA posted a written report on its responses to the byproduct scenarios BCCM submitted. The written report is posted with EPA’s CDR training materials at <http://www.epa.gov/cdr/tools/index.html>, as well as on B&C’s website at <http://www.lawbc.com/share/cdrworkshop011912/>.

**STATE ISSUES**

**Coalition Says 28 States Will Consider Toxic Chemicals Legislation In 2012**

On January 25, 2012, Safer States released an analysis stating that 28 states will consider toxic chemicals legislation in **2012**. The “highlights” include:

* Identification and Disclosure of Chemicals Harmful to Children. At least 13 states, including Alaska, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, New Jersey, Oregon, Vermont, and Washington, will consider policies to identify and ultimately reduce exposures to chemicals of concern, including prioritizing chemicals for state action and requiring manufacturers of consumer products to disclose the chemicals in their products; and
* **Cadmium** Bans in Children’s Products. At least five states will be introducing or have introduced policies to ban the use of **cadmium** in children’s products, including Hawaii, Maryland, Michigan, New York, and Tennessee. **Cadmium** is linked to cancer and other health effects.

The analysis is available at <http://www.saferstates.com/>.

***California***

**East Bay Body Burden Study Will Assess Heavy Metal Pollution Present In Children**

A community information session was held on January 25, 2012, to discuss a new pilot study to assess exposure to heavy metal pollution present in the homes and bodies of children living near industrial facilities in the West Berkeley and West Oakland area. The study is sponsored by Global Community Monitor, in collaboration with the University of California, San Francisco, Pediatric Environmental Health Specialty Unit, and Children’s Hospital Oakland. Past air monitoring in West Oakland has shown consistent levels of heavy metals known to come from industry, including **cadmium**. The pilot study seeks to understand the connection between children living within a mile of industrial facilities in Berkeley and Oakland, and their exposure to pollution. During the pilot study, 35 children between the ages of one to five years will have one blood sample tested for **cadmium** and lead in the West Oakland Area, and 35 children between the ages of one to five years will have one blood sample tested for manganese in the West Berkeley Area. One wipe sample (dust) sample will be taken at the home of each participating family.

***Hawaii***

**Bill Would Prohibit Certain Chemicals, Including Cadmium, In Packaging**

S.B. 2473, which would prohibit the sale or distribution of products or packaging containing certain toxic chemicals, was introduced on January 23, 2012. “Regulated metal” would mean lead, mercury, **cadmium**, or hexavalent chromium.

***New Jersey***

**Legislation Introduced To Prohibit The Sale Of Certain Children’s Products Containing Lead, Mercury, Or Cadmium**

On January 10, 2012, identical bills were introduced in the Assembly (A.B. 1228) and Senate (S.B. 636) that would prohibit the sale, distribution, import, or manufacture of any children’s product intended for use by a child under the age of six that contains, is composed of, or is made with lead, mercury, or **cadmium**. The Director of Consumer Affairs or any manufacturer, distributor, or importer of children’s products who discovers that a children’s product is composed of, or is made with lead, mercury, or **cadmium** would have to issue an immediate recall for that product. A.B. 1228 was referred to the Assembly Consumer Affairs Committee. S.B. 636 was referred to the Senate Commerce Committee.

***New York***

**Bills Would Designate Cadmium As A Priority Chemical**

A.B. 3141 and S.B. 1526, which would regulate toxic chemicals in children’s products, remain active in the 2012 session. A.B. 3141 was referred to the Committee on Environmental Conservation on January 4, 2012. S.B. 1526 was amended and recommitted to the Senate Committee on Environmental Conservation on December 30, 2011. The bills would designate several chemicals, including **cadmium**, as priority chemicals. No later than 12 months after a priority chemical is listed, every manufacturer who offers a children’s product for sale or distribution that contains an intentionally added priority chemical must notify New York. 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.

**Assembly Bill Would Prohibit Use Of Cadmium In Children’s Products**

On January 4, 2012, A.B. 3678, which was introduced on January 26, 2011, was referred to the Committee on Environmental Conservation. The bill 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.

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

Under A.B. 5548, in the absence of a federal standard for a specific type of product, the Commissioner of Health would be required 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. The bill, which was introduced on February 23, 2011, was referred to the Assembly Committee on Health on January 4, 2012.

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

On January 4, 2012, S.B. 4055 died in the Assembly and was returned to the Senate, where it was referred to the Committee on Health. S.B. 4055 and A.B. 6758, which were introduced in March 2011, 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 12 years or younger, and children’s jewelry would be defined as jewelry designed or intended primarily for use by a child. The Senate passed S.B. 4055 on June 16 2011, and delivered it to the Assembly. A.B. 6758 was referred to the Assembly Committee on Consumer Affairs and Protection on January 4, 2012.

**MISCELLANEOUS ISSUES**

**ATSDR Releases Draft Vieques Report**

In a December 12, 2011, *Federal Register* notice, ATSDR announced the availability of the draft report entitled *An Evaluation of Environmental, Biological, and Health Data from the Island of Vieques, Puerto Rico* for review and comment. According to the notice, the report’s principal focus is to review updated environmental data on Vieques air, water, soil, seafood, and locally grown foods. In addition, the report evaluates human biomonitoring and health outcome data. Below are some of the draft report’s statements concerning **cadmium**:

Viequenses may be exposed to mercury in fish and **cadmium** in pigeon peas. These exposures may warrant additional environmental investigations, such as sampling locally grown produce for **cadmium** and gathering more information about fish consumption and possibly mercury in fish. The information could be used to decide whether to undertake human testing for mercury and **cadmium** in blood or urine. If other environmental exposures are identified, additional human biomonitoring investigations may be considered.

. . .

A preliminary data evaluation completed for this report has concluded that the level of **cadmium** reported in a few samples of locally grown pigeon peas would not contribute excess dietary **cadmium** to preschool children who eat less than five of the largest (6 ounces) servings per week of locally grown pigeon peas. Adults who eat the largest serving sizes (12 ounces) should limit intake to 11 servings per week. Typical serving sizes for preschool children (1.5 ounces) do not contribute excess **cadmium** below 20 meals per week and adults who eat a typical serving (3 ounces) may eat up to 44 meals per week without exceeding recommended **cadmium** intake levels.

. . .

**Cadmium**: The geometric-mean hair-**cadmium** level in the study population (n=429) was 0.14 ppm. The PRDOH report states that this value is similar to its reference value of less than 0.15 ppm. But the report does not identify the source of the reference value of less than 0.15 ppm. In any event, no participant exceeded Quest Laboratories’ hair toxicity threshold of 3.4 ppm. The PRDOH report stated that the geometric mean **cadmium** level in urine in the study population was higher than the 1999-2000 NHANES geometric mean (0.43 vs. 0.31 μg/g). Because of interference from molybdenum oxide, CDC has since corrected the 1999-2000 NHANES value. The corrected geometric mean from the 1999-2000 NHANES is 0.181 μg/g. The geometric mean from the 2003-2004 NHANES is 0.21 μg/g. Eleven participants had **cadmium** urine levels above 1.03 μg/g, the 95th percentile from the 1999-2000 NHANES (uncorrected for molybdenum oxide). Two participants showed urine **cadmium** levels above the laboratory’s toxic level of 2 μg/g creatinine. OSHA’s worker action level is 3 μg/g creatinine. The median age for participants with urine **cadmium** levels above 1.03 μg/g creatinine was 55. Smokers showed urine **cadmium** levels five times higher than did nonsmokers.

Comments are due **March 11, 2012**. More information is available at [www.atsdr.cdc.gov/sites/vieques/](http://www.atsdr.cdc.gov/sites/vieques/).

**Responsible Electronics Recycling Act Introduced In House And Senate**

There is no new publicly available information to report regarding the Responsible Electronics Recycling Act of 2011 (H.R. 2284 and S. 1270), which would amend RCRA to establish a category of “restricted electronic waste” that would be barred from exports 24 months after the measure’s enactment. Under the bill, covered electronic equipment includes batteries containing **cadmium**, as well as the following items containing **cadmium**: circuit boards; printer drums; liquid crystal displays; flatscreen glass; and light emitting diodes; or “any other covered electronic equipment, or materials derived therefrom, containing any other toxic material, in elemental or compound form, identified by the Administrator.” More information is available in our July 28, 2011, Update.

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

There is no new publicly available information to report regarding the Vieques Recovery and Development Act of 2011 (H.R. 1645), which would construct a specialty hospital and toxins research center on the island of Vieques, Puerto Rico, and would provide individual compensation to certain residents. More information on the bill is available in our April 28, 2011, Update.

**IRIS Assessment**

***IRIS Acting Director Defends EPA’s Approach To Adopting NAS Recommendations***

Speaking at the SRA annual meeting on December 7, 2011, Vincent Cogliano, Acting Director of the IRIS Program, stated that EPA is seeking to address concerns with how IRIS assessments are drafted and peer reviewed, as well as how EPA assessors weigh the evidence of data as the assessments are created. According to Cogliano, there is no need to delay issuance of IRIS assessments until EPA implements the NAS’s recommendations. Cogliano stated: “[The NAS] did not tell us to stop doing assessments, and they envisioned a multi-year improvement process, and they encouraged us to go forward as we implement these improvements.” Cogliano described new and ongoing reforms EPA is developing to improve further the IRIS process, including holding a workshop in the first half of **2012** to consider various WoE approaches. According to Cogliano, IRIS staff will use public and stakeholder input at the workshop to select a WoE framework or approach to test in a pilot with a handful of upcoming IRIS assessments.

***Omnibus Appropriations Bill Includes Provisions Regarding IRIS***

On December 16, 2011, the House passed a nine-bill omnibus appropriations package (H.R. 2055) for FY **2012**, and the Senate approved the bill on December 17, 2011. House Report 112-331, which accompanied the bill, directs EPA “to incorporate, as appropriate, based on chemical-specific datasets and biological effects, the recommendations of Chapter 7 of the NRC’s *Review of the Environmental Protection Agency’s Draft IRIS Assessment of Formaldehyde* into the IRIS process.” EPA must issue a progress report to Congress no later than **March 1, 2012**, describing its implementation of the NRC’s recommendations. For draft assessments released in FY **2012**, EPA shall include documentation describing how it has implemented or addressed the NRC’s recommendations, including an explanation for why certain recommendations were not incorporated. EPA shall contract with NAS to conduct up to three reviews of IRIS assessments that EPA seeks to make final. Reviews shall include an evaluation of whether the NRC’s recommendations have been implemented. The House Report states that the reviews “are not intended to unduly delay the Agency’s risk assessment process,” and that the conferees “further direct NAS to complete any reviews authorized by this paragraph by no later than 18 months after the date that EPA and the NAS have agreed to the terms of the review.” The House Report states that one of these reviews shall be a study of the cancer and non-cancer hazards from oral exposure to inorganic arsenic. The NAS review of inorganic arsenic shall incorporate the direction provided in House Report 112-151 regarding parameters of the study. NAS will choose additional reviews from a representational sample of IRIS assessments, and NAS will notify Congress directly of these choices. The House Report states: “Further, the conferees strongly believe any current and future IRIS assessments must not only be grounded in sound, objective, and peer-reviewed science and methodologies but should also provide risk managers with realistic values that will result in enhanced protection of human health.” The conference report is available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt331/pdf/CRPT-112hrpt331.pdf>.

***GAO Finds Challenges Remain With EPA’s 2009 IRIS Process***

On January 9, 2012, GAO released a report entitled *Challenges Remain with EPA’s Integrated Risk Information System Program*, which evaluates EPA’s progress in completing IRIS assessments under the May 2009 process. EPA revised its IRIS assessment process in May 2009 in response to a March 2008 GAO report on the IRIS program. EPA most recently revised the IRIS process in July 2011, in response to an NAS report on EPA’s IRIS assessment for formaldehyde. The GAO report is available at <http://www.gao.gov/products/GAO-12-42>.

On January 13, 2012, Senators James Inhofe (R-OK), Ranking Member of the Senate Committee on Environment and Public Works, and David Vitter (R-LA) stated that GAO’s report “confirms that EPA’s IRIS program is flawed and that the agency is not basing its decisions on the best available science.” According to the Senators, that EPA’s “ongoing struggle to repair its broken IRIS process is further complicated by the recent announcement that Dr. Anastas is stepping down from his position spearheading EPA’s IRIS reform effort.” Just two months earlier, Office of Chemical Safety and Pollution Prevention Assistant Administrator Steve Owens announced his resignation. The Senators note that they have been waiting on responses from EPA Administrator Lisa Jackson since last June to multiple questions related to EPA’s scientific methods and integrity. More information is available at <http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=d899bf2f-802a-23ad-41d0-14718f2fe1b0&Region_id=&Issue_id>=.

***Cadmium (Qualitative Draft)***

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 |

**NIOSH Posts Dust Control Handbook For Industrial Minerals Mining And Processing**

On January 23, 2012, NIOSH posted a document entitled *Dust Control Handbook for Industrial Minerals Mining and Processing*. NIOSH states:

Throughout the mining and processing of minerals, the mined ore undergoes a number of crushing, grinding, cleaning, drying, and product sizing operations as it is processed into a marketable commodity. These operations are highly mechanized, and both individually and collectively these processes can generate large amounts of dust. If control technologies are inadequate, hazardous levels of respirable dust may be liberated into the work environment, potentially exposing workers. Accordingly, federal regulations are in place to limit the respirable dust exposure of mine workers. Engineering controls are implemented in mining operations in an effort to reduce dust generation and limit worker exposure.

In the Handbook, NIOSH states that the control technologies discussed are designed to control exposures not only to silica dust, but also to other types of dust. NIOSH notes that while the Handbook is focused on protecting workers in the mining and mineral processing industry, “the concepts and approaches presented can provide useful guidance for controlling airborne dust in other industries.” The Handbook is available at <http://www.cdc.gov/niosh/mining/pubs/pubreference/outputid3675.htm>.

**INTERNATIONAL ISSUES**

***Canada***

**Canada Warns Consumers Of High Levels Of Lead And Cadmium In Some Children’s Jewelry**

On December 15, 2011, Health Canada issued an advisory warning consumers of high levels of lead and **cadmium** in some children’s jewelry. On December 21, 2011, Health Canada issued a recall for various pieces of children’s jewelry sold with the brand names “Impulse! & Co.” and “Party Princess.” In the December 21, 2011, notice, Health Canada stated that the reason was that its sampling and evaluation program found that the recalled pieces of jewelry contain lead in excess of the allowable limits. On January 23, 2012, Health Canada expanded the recall, stating the recalled items “may contain **cadmium** in excess of guidance levels proposed recently by Health Canada.” Health Canada stated:

Lead and **cadmium** are known to be very toxic metals, especially for children. A range of serious health effects have been associated with exposure to lead and **cadmium**, including anemia, vomiting, diarrhea, serious brain injury, convulsions, coma, as well as effects related to the liver, kidneys, heart and immune system. In extreme cases, there have been deaths.

Neither Health Canada nor Deejay Jewellery Inc. has received any reports of incidents or illnesses related to the use of this product.

The December 15, 2011, advisory is available at <http://www.hc-sc.gc.ca/ahc-asc/media/advisories-avis/_2011/2011_170-eng.php>. More information regarding the recall is available at <http://cpsr-rspc.hc-sc.gc.ca/PR-RP/list-liste-eng.jsp>.

**Canada Amends Environmental Emergency Regulations**

Canada published a notice in the December 21, 2011, *Canada Gazette* amending the Environmental Emergency Regulations. The revisions include:

* Addition of 33 substances and classes of substances representing different forms of the core 33 substances (a total of 41 individual substances) to Schedule 1 of the Regulation;
* Exceptions to the calculation of quantities for certain solids, anhydrous ammonia and ammonia solution, and propane;
* Provisions for closed or decommissioned facilities;
* Exclusions from the List of Substances in Schedule 1 of the Regulations;
* Modifications to Schedule 1 of the Regulations to include substances that are aquatically toxic, carcinogenic, persistent, or bioaccumulative;
* Revision to the reporting requirements of the Regulations; and
* Miscellaneous changes.

The miscellaneous changes include revising Schedule 1 of the Regulations, which contained a list of substances, in two parts. Part 1 listed flammable substances, and Part 2 listed other hazardous substances. To improve clarity, Canada has amended the Regulations so that Part 1 lists substances likely to explode, and Part 2 lists substances that are hazardous when inhaled. The amendments also create a new part, Part 3, which lists other hazardous substances because of their carcinogenicity, aquatic toxicity, persistence, or bioaccumulative characteristics. Part 3 includes **cadmium oxide**; **cadmium sulphide**; **cadmium chloride**; and **cadmium sulphate**. More information is available at <http://www.ec.gc.ca/ee-ue/default.asp?lang=En&xml=47FA3987-D3B8-40D8-BD6E-D32D0C9AB586>.

**Yukon Government Promises To “Remain Vigilant” In Water Testing**

In a January 17, 2012, press release, the Yukon government stated it will test monthly the community well in Keno City for the next six months, and will test quarterly after that, to assure community residents that their public water source is safe. The government states that results of one monitoring well have shown high levels of **cadmium** (1,200 µg/L) and zinc (70,000 µg/L). Acceptable levels for drinking water are 5 µg/L for **cadmium** and 5,000 µg/L for zinc. Health and Social Services Minister Doug Graham stated that the findings are consistent with what would be expected near an old adit and reflect water data collected for the past 20 years in the immediate area. In addition to monthly testing by Community Services, the Department of Health and Social Services, through its Environmental Health Services Unit, will cover the cost of water testing for any private wells in the area. More information is available at <http://www.gov.yk.ca/news/12-005.html>.

***China***

**CFS Releases Food Safety Reports For October And November 2011**

Hong Kong’s CFS released the food safety report for October 2011 on November 30, 2011, and for November 2011 on December 30, 2011. For October 2011, of the 10,000 food samples tested, CFS found 15 to be unsatisfactory, and the overall satisfactory rate was 99.9 percent. The samples tested included vegetables and fruits, and their products; meat and poultry and their products; aquatic products; milk, milk products, and frozen confections; and cereals, grains, and their products. CFS found five vegetable samples to contain **cadmium** at levels exceeding the legal limit of 0.1 ppm. They comprised a fresh mushroom sample (0.46 ppm), an asparagus sample (0.24 ppm), a Chinese kale sample (0.2 ppm), and two Ceylon spinach samples (0.19 ppm each). A CFS spokesperson stated: “Upon normal consumption, it is unlikely that the above vegetables with **cadmium** at the detected levels would pose any adverse health effects to consumers. Nevertheless, under long-term consumption, high consumers of Ceylon spinach with the same level of **cadmium** mentioned above may have their kidneys affected.” The CFS took some 300 samples of rice, noodles, flour, bread, and breakfast cereal for analysis. CFS found a rice vermicelli sample to contain **cadmium** at a level of 0.14 ppm, exceeding the legal limit of 0.1 ppm. A CFS spokesperson stated: “Upon normal consumption, it is unlikely that the rice vermicelli with **cadmium** at the detected level would pose any adverse health effects to consumers. The CFS understands that the vendor concerned and its other outlets have already stopped sale of the affected batch while the importer concerned is recalling the affected products for disposal. Follow-up samples will be taken for testing if the same product is available for sale again at the retail outlets concerned.” Of about 10,700 food samples tested in November 2011, CFS found 27 to be unsatisfactory, and the overall satisfactory rate was 99.7 percent. The samples included vegetables and fruits and their products; meat and poultry and their products; aquatic products; milk, milk products and frozen confections; and cereals, grains and their products. According to CFS, three vegetable samples were found to contain **cadmium**, at levels exceeding the legal limit of 0.1 ppm: an asparagus sample (0.19 ppm); a Chinese flowering cabbage sample (0.14 ppm); and a cabbage sample (0.18 ppm). A CFS spokesperson stated that, upon normal consumption, it is unlikely that the vegetables with **cadmium** at the detected levels would pose any adverse health effects to consumers.

**Greenpeace Announces Heavy Metals Found In Children’s Products On The Chinese Market**

Greenpeace announced on December 7, 2011, that, in a joint study with IPEN, it measured “toxic metals” in 500 children’s products purchased in five Chinese cities: Beijing, Guangzhou, Hong Kong, Shanghai, and Wuhan. The products were purchased from more than 40 retailers, including shopping malls, street markets, and chain stores. Products ranged from school supplies to clothing to popular products for young children. Greenpeace states that, “[a]s far as we know this was the first publically available large-scale investigation of toxic metals in children’s products in China.” Investigators used a portable X-ray fluorescence analyzer, testing for six metals: antimony, arsenic, **cadmium**, chromium, lead, and mercury. The results, according to Greenpeace, showed that one third of tested products contained at least one metal at levels of concern. Forty-eight samples contained more than one metal. None of the products included warning labels to inform consumers about their ingredients. “The toys that tested positive for heavy metals, including lead, were found in every category of product, no matter whether it was branded or non-branded, cheap or expensive. In short, no matter who or where you buy your toy from in China, there is a possibility that a toxic metal is present.” More information is available at <http://www.greenpeace.org/eastasia/news/stories/toxics/2011/toxic-childen-products-china/>.

**Russia Returns Peanuts Containing Cadmium To China**

On December 17, 2011, the Rosselkhoznadzor food quality watchdog in TransBaikalia reported that Russian border guards seized 120 tons of peanuts from China and returned them to the country of origin. The peanuts reportedly “contained **cadmium** toxic element.”

**Mining Company Responsible For Cadmium Contamination In Longjiang River**

Excessive **cadmium** levels were detected in the Hechi section of the Longjiang River on January 15, 2012, and were blamed for killing a “small number” of fish and prompting concerns over drinking water. On January 25, 2012, authorities in Hechi City verified the **cadmium** pollutants contaminating the Longjiang River were discharged by the Guangxi Jinhe Mining Co. Ltd. The city government has not yet announced penalty measures. The cadmium density of a water sample taken at the Luodong Hydropower Station at the River’s lower reaches on January 25, 2012, was 0.0037 milligrams per liter of water, as compared with a January 21, 2012, sample test result of 0.0247 milligrams per liter, three times higher than the official limit. The local fire department put 80 tonnes of neutralizers, made from dissolved aluminum chloride, into the Longjiang River to dissolve the contamination.

***Philippines***

**EcoWaste Coalition Tests Cosmetics Products, Toys, And Other Items For Heavy Metals**

EcoWaste Coalition has released several reports concerning the presence of heavy metals, including **cadmium**, in consumer products:

* On December 8, 2011, EcoWaste Coalition announced that it found arsenic, **cadmium**, chromium, cobalt, lead, mercury, and nickel in 23 of the 44 cosmetics products sampled. The items were bought from sidewalk vendors, cosmetics stalls and drug stores in Binondo, Divisoria, Quiapo, and Santa Cruz, Manila between December 1-4, 2011. More information is available at <http://ecowastecoalition.blogspot.com/2011/12/toxic-watchdog-finds-loads-of-ugly.html>.
* On December 14, 2011, EcoWaste Coalition announced that 14 of 17 products marked with popular images of “Angry Birds” tested positive for metals such as antimony, arsenic, **cadmium**, chromium, and lead above levels of concern. More information is available at <http://ecowastecoalition.blogspot.com/2011/12/toxics-watchdog-asks-authorities-to.html>.
* On January 21, 2012, EcoWaste Coalition announced it found lead and other toxic metals, including cadmium, in 14 lucky charms and ornaments “that are currently enjoying brisk sale as Chinese New Year nears.” EcoWaste Coalition tested 30 samples, purchased on January 18-20, 2012, from shops and vendors in Binondo, Manila. More information is available at <http://ecowastecoalition.blogspot.com/2012/01/chinese-new-year-lucky-charms-and.html>.

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## ACRONYMS

**µg/L** -- Microgram Per Liter

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

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

**BCCM** -- B&C Consortia Management, L.L.C.

**CDR** -- Chemical Data Reporting

**CERCLA** -- Comprehensive Environmental Response, Compensation, and Liability Act

**CFS** -- Center for Food Safety

**CWA** -- Clean Water Act

**EIP** -- Environmental Integrity Project

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

**EPCRA** -- Emergency Planning and Community Right-to-Know Act

**FY** -- Fiscal Year

**GAO** -- United States Government Accountability Office

**ICdA** -- International Cadmium Association

**IPEN** -- International POPs Elimination Network

**IRIS** -- Integrated Risk Information System

**MCL** -- Maximum Contaminant Level

**NAS** -- National Academy of Sciences

**NGO** -- Non-Governmental Organization

**NIOSH** -- National Institute for Occupational Safety and Health

**NRC** -- National Research Council

**ppm** -- Part Per Million

**RCRA** -- Resource Conservation and Recovery Act

**SDWA** -- Safe Drinking Water Act

**SRA** -- Society for Risk Analysis

**TBD** -- To Be Determined

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**WoE** -- Weight of Evidence

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)