#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**May 28, 2013**[[1]](#footnote-1)

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**FEDERAL ISSUES**

**EPCRA ISSUES**

**EPA Announces Enhanced Version Of TRI P2 Search Feature**

EPA announced on April 15, 2013, an enhanced version of the TRI P2 search feature in Envirofacts. According to EPA, users will now be able to:

* Use multi-select capabilities to focus P2 searches on one or more industries, chemicals, states, or years;
* Use “type ahead” features to search by keyword, industry code, or chemical;
* Search using predefined chemical groupings, such as HAPs or PBT chemicals; and
* Sort results to find reported P2 activities corresponding with the largest reductions in releases to specific environmental media, overall releases, or total waste managed.

More information is available at <http://www.epa.gov/tri/P2/index.html>. The recording, transcripts, and presentation slides from EPA’s “Exploring TRI’s Pollution Prevention Information” webinar are available at <http://www.chemicalright2know.org/2013-webinars/spring-2013-webinar>.

**TSCA ISSUES**

**Senator Lautenberg Reintroduces Safe Chemicals Act**

On April 10, 2013, Senator Frank R. Lautenberg (D-NJ) reintroduced the Safe Chemicals Act (S. 696), which would reform TSCA and is identical to legislation (S. 847) reported favorably out of the Senate Environment and Public Works Committee on a party-line vote in the 112th Congress. In his April 10, 2013, press release, Senator Lautenberg states that, compared to earlier versions of the legislation, the Safe Chemicals Act of 2013 “includes a number of significant changes that reflected input from a broad range of stakeholders including federal agencies, state governments, the chemical industry, and public health advocates. The bill would:

* Establish a risk-based chemical management system based on sound science;
* Focus attention on priority chemicals;
* Secure access to health and safety data;
* Protect Americans from harmful chemicals; and
* Promote innovation and protect CBI.

On May 22, 2013, Senators Lautenberg and David Vitter (R-LA) announced bipartisan TSCA reform legislation, the Chemical Safety Improvement Act of 2013, which is discussed below. More information on the Safe Chemicals Act is available in B&C®’s April 29, 2013, memorandum at <http://www.lawbc.com/regulatory-developments/entry/safe-chemicals-act-of-2013-lautenberg-reintroduces-tsca-reform-legislation/>.

**GAO Finds EPA Could Improve Its Assessment And Control Of Chemicals**

On April 29, 2013, GAO released a report entitled *Toxic Substances: EPA Has Increased Efforts to Assess and Control Chemicals but Could Strengthen Its Approach*, which provides the results of a performance audit conducted by GAO from December 2011 to March 2013. GAO reviewed the extent to which: (1) EPA has made progress implementing its new approach for managing toxic chemicals with the goal of ensuring the safety of chemicals using its existing authorities; and (2) the new approach positions EPA to achieve its goal of ensuring the safety of chemicals. GAO concluded that, although EPA has implemented a new approach to managing existing chemicals, it should take further action, such as promulgating rules under TSCA Section 8 to require chemical companies to report chemical toxicity and exposure-related data submitted to foreign agencies and to require chemical companies to report exposure-related data from processors to EPA. The report is available at <http://www.gao.gov/products/GAO-13-249>. More information is available in B&C’s April 30, 2013, memorandum, which is available at <http://www.lawbc.com/regulatory-developments/entry/gao-finds-epa-could-improve-its-assessment-and-control-of-chemicals/>.

**Lautenberg And Vitter Announce Agreement To Reform TSCA**

On May 22, 2013, Senators Frank R. Lautenberg (D-NJ) and David Vitter (R-LA) announced the Chemical Safety Improvement Act of 2013, which would reform TSCA. According to Lautenberg’s May 22, 2013, press release, the bill would:

* Require Safety Evaluations for All Chemicals: All active chemicals in commerce must be evaluated for safety and labeled as either a “high” or “low” priority chemical based on potential risk to human health and the environment. For high priority chemicals, EPA must conduct further safety evaluations;
* Protect Public Health from Unsafe Chemicals: If a chemical is found to be unsafe, EPA has the necessary authority to take action. This can range from labeling requirements to the full phase-out or ban of a chemical;
* Prioritize Chemicals for Review: EPA will have to assess risk transparently, determine safety, and apply any needed measures to manage risks;
* Screen New Chemicals for Safety: New chemicals entering the market must be screened for safety and the EPA is given the authority to prohibit unsafe chemicals from entering the market;
* Secure Necessary Health and Safety Information: The legislation allows EPA to secure necessary health and safety information from chemical manufacturers, while directing EPA to rely first on existing information to avoid duplicative testing;
* Promote Innovation and Safer Chemistry: The legislation provides clear paths to getting new chemistry on the market and protects trade secrets and intellectual property from disclosure;
* Protect Children and Pregnant Women: The legislation requires EPA to evaluate the risks posed to particularly vulnerable populations, such as children and pregnant women, when evaluating the safety of a chemical -- a provision not included in existing law; and
* Give States and Municipalities a Say: States and local governments will have the opportunity to provide input on prioritization, safety assessment, and the safety determination processes, requiring timely response from EPA, and the bill establishes a waiver process to allow state regulations or laws to remain in effect when circumstances warrant it.

Lautenberg’s May 22, 2013, press release is available at <http://www.lautenberg.senate.gov/newsroom/record.cfm?id=342861&>. More information is available in B&C’s May 29, 2013, memorandum at <http://www.lawbc.com/regulatory-developments/entry/the-chemical-safety-improvement-act-an-in-depth-review-and-analysis>.

**STATE ISSUES**

***Alaska***

**House Bill Introduced Concerning Chemicals In Children’s Products**

There is nothing new to report regarding H.B. 96, which concerns chemicals of high concern and chemicals in children’s products. The bill would require Alaska to adopt and publish a list of chemicals of high concern, require manufacturers to disclose the toxic chemicals they add to products, and authorize the state to require safer alternatives. The second legislative session will be held **January 21-April 20, 2014**. More information is available in our March 28, 2013, Update.

***California***

**DTSC Releases Revised Safer Consumer Products Regulations**

On April 10, 2013, DTSC announced it revised the text of the proposed Safer Consumer Products Regulations, which would establish the process for identifying and prioritizing consumer products and their chemicals of concern, evaluating their alternatives, and imposing regulatory responses. DTSC states that it revised the Regulations by adding Chapter 55 to Division 4.5 of Title 22, California Code of Regulations, and amended the Table of Contents. DTSC has indicated that it intends to issue final regulations by **October 2013**. More information is available in B&C’s April 12, 2013, memorandum, which is available at <http://www.lawbc.com/regulatory-developments/entry/dtsc-releases-revised-proposed-safer-consumer-products-regulations1>, and on the DTSC website at <http://www.dtsc.ca.gov/SCPRegulations.cfm>.

**DTSC Begins 15-Day Comment Period On Revised Documents Added To Rulemaking File**

On May 22, 2013, DTSC announced a 15-day public comment period on the Economic and Fiscal Impact Statement (Std. Form 399). DTSC states that it added the revised Statement and attachments to the rulemaking file. According to DTSC, it revised these documents to reflect post-hearing changes to the proposed Safer Consumer Products Regulations public notices in January 2013 and April 2013. Comments are due **June 6, 2013**. More information is available at <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/SCPA.cfm>.

***Connecticut***

**Bill Would Identify Chemicals Of High Concern To Children**

On April 3, 2013, H.B. 6526, under which the Commissioner of Public Health would identify chemicals of high concern to children, was referred to the Joint Committee on Appropriations. On April 23, 2013, the bill failed the joint favorable deadline. The bill would require manufacturers of children’s products to provide notice if the product contains a chemical of high concern. The bill specifies that the Commissioners may include chemicals that are included on Maine’s list of chemicals of high concern and the Washington list of chemicals of high concern for children, or that meet certain criteria. More information is available in our March 28, 2013, Update.

**House Bill Would Restrict Use Of Cadmium In Children’s Jewelry**

There is no new publicly available information to report regarding H.B. 6498, which would restrict the use of **cadmium** in children’s jewelry. Under the bill, effective **October 1, 2014**, no person shall manufacture, sell, offer for sale, or distribute any children’s jewelry that contains **cadmium** at more than .0075 percent by weight. More information is available in our March 28, 2013, Update.

***Delaware***

**Delaware Proposes To Revise Requirements For Area Source Plating And Polishing Operations**

DNREC conducted public workshops on April 23 and May 1, 2013, on the planned revisions to Section 10 of Regulation 1138. The purpose of the revisions is to update the Delaware requirements applicable to area source plating and polishing operations to be consistent with the recently revised federal requirements, where appropriate, and to continue to reduce the potential health impacts of HAPs on the public health and welfare. The revisions would define “plating and polishing metal HAPs” as “compounds of any of the following metals: **cadmium**, chromium, lead, manganese, and nickel, or any of these metals in the elemental form, with the exception of lead.” DNREC’s anticipated schedule for adopting these revisions is:

* Proposed Regulatory Language Published in Delaware Register -- **June 1, 2013**;
* Public Hearing -- Scheduled for **June 27, 2013**;
* Secretary’s Order - **Fourth Quarter 2013**;
* Final Regulatory Language Published in Delaware Register -- **Fourth Quarter 2013**; and
* Effective Date -- **Fourth Quarter 2013**.

More information is available at <http://www.dnrec.delaware.gov/whs/awm/Info/Regs/Pages/AmendSection10.aspx>.

**House Bill Would Require State To Publish List Of Chemicals Of High Concern**

On May 1, 2013, a bill (H.B. 111) was introduced that would require the state to publish a list of 50 to 100 chemicals of high concern in consumer products based on credible scientific evidence on a chemical’s hazards and its potential to expose pregnant women and children in or around the home, childcare facility, or school. The state may list chemicals of high concern based in part on previous findings by authoritative governmental agencies or similar listings by other states. The bill was assigned to the House Committee on Health and Human Development, and re-assigned to the House Committee on Natural Resources.

***Florida***

**Bills Concerning Chemicals Of High Concern Introduced In The House And Senate**

On May 3, 2013, H.B. 773 and S.B. 1154 died in Committee. The bills would have required the Department of Environmental Protection, in consultation with the Department of Health, to publish an initial list of at least 50 chemicals of high concern. More information is available in our March 28, 2013, Update.

***Hawaii***

**Bills Would Prohibit Cadmium In Packages And Packaging**

There is no new publicly available information in H.B. 351 and S.B. 640, which would prohibit the use of packages and packaging containing lead, **cadmium**, mercury, and hexavalent chromium. The prohibition would take effect **January 1, 2014**. More information is available in our March 28, 2013, Update.

**House Bill Would Prohibit Cadmium In Children’s Products**

There is no new publicly available information to report regarding H.B. 585, which would prohibit the sale, manufacture, and distribution of children’s products that contain **cadmium** more than .004 percent by weight. More information is available in our March 28, 2013, Update.

***Illinois***

**Senate Bill Would Make Technical Change To Cadmium-Safe Kids Act**

On April 16, 2013, S.B. 857, which would amend the **Cadmium**-Safe Kids Act to make a technical change in a section concerning the short title, was re-referred to the Senate Committee on Assignments.

***Maine***

**Senate Bill Intends To Protect Pregnant Women And Children From Toxic Chemicals**

There is no new publicly available information to report regarding L.D. 1181, which would amend the Kid-Safe Products Act to require the designation of two additional priority chemicals by **January 1, 2014**, and two additional priority chemicals by January 1 every year thereafter unless the criteria for designation are not met. More information is available in our March 28, 2013, Update.

***Massachusetts***

**June Hearing Will Include Senate Bill To Regulate Cadmium In Children’s Jewelry**

A hearing on women and children’s health legislation has been scheduled for **June 4, 2013**, and will include S.B. 990, which would regulate **cadmium** in children’s jewelry. The bill would ban the manufacture, sale, and distribution of children’s jewelry containing **cadmium** in any paint or surface coating or accessible substrate that exceeds 75 ppm. More information is available at <http://www.malegislature.gov/Events/EventDetail?eventId=605&eventDataSource=Hearings>.

**Bill Requiring Safer Alternatives Referred To Senate Committee**

On April 9, 2013, the Joint Committee on Environment, Natural Resources and Agriculture reported S.B. 387 favorably and referred it to the Senate Committee on Ways and Means. The bill would require chemical action plans for three chemicals and specific uses, including **cadmium** as found in children’s products. More information is available in our March 28, 2013, Update.

**Bill Would Require Creation Of List Of Chemicals Of Concern**

There is no new publicly available information to report regarding S.B. 354. Under the bill, TURI would publish a “chemicals of concern” list. The bill states that TURI “shall rely on published authoritative lists of chemical categorizations such as, but not limited to, the Canadian Domestic Substances List Categorization, the European Commission’s list of substances of very high concern, Washington State’s list of Chemicals of Concern, the California Safer Consumer Products list of Chemicals of Concern, the State of Maine’s List of Chemicals of High Concern, and the International Agency for Research on Cancer’s list of carcinogens.” More information is available in our March 28, 2013, Update.

***Michigan***

**Michigan Proposes Changes To Occupational Health Standard For Cadmium**

There is no new publicly available information to report regarding the proposed rule that would amend the occupational health standard for **cadmium**. The amendments would revise the hazard communication requirements, including warning signs and warning labels. The February 1, 2013, issue of the *Michigan Register* is available at <http://www.michigan.gov/documents/lara/MR1_020113_410118_7.pdf>. More information is available in our March 28, 2013, Update.

***Minnesota***

**Bills Would Require Manufacturers To Report Priority Chemicals**

There is no new publicly available information to report regarding H.B. 605 and S.B. 466, which would amend Minnesota’s priority chemical identification criteria and require manufacturers of children’s products that contain priority chemicals to provide information to the MPCA. More information is available in our March 28, 2013, Update.

***Nevada***

**Bill Amended To No Longer Require Department To Identify Chemicals Of High Concern**

On April 22, 2013, the Assembly passed A.B. 354. As introduced, the bill would have required the Health Division of the Department of Health and Human Services to identify a list of at least 50 chemicals of high concern. The bill was amended, however, to address only bisphenol A. The Senate passed the bill on May 23, 2013, and it has been enrolled and delivered to the Governor.

***New York***

**Senate Bill Would Identify Cadmium As A Priority Chemical**

On April 15, 2013, S.B. 4614 was introduced. The bill would regulate toxic chemicals in children’s products, and authorize New York to participate in an interstate chemical clearinghouse. The bill would identify several substances, including **cadmium**, as priority chemicals.

**Assembly Passes Bill To Regulate Toxic Chemicals In Children’s Products**

On April 23, 2013, the Assembly passed A.B. 6328, which would regulate toxic chemicals in children’s products. The bill would define priority chemicals and chemicals of high concern, which would include those on Maine’s list of chemicals of high concern. Effective **January 1, 2018**, the sale of a children’s product containing a priority chemical that has been listed for at least one year would be banned. The bill was referred to the Senate Committee on Environmental Conservation.

**Senate Passes Comprehensive Children’s Jewelry Safety Act**

The New York Senate announced on May 23, 2013, that it passed the Comprehensive Children’s Jewelry Safety Act (S.B. 3947), which would create comprehensive safety requirements for children’s jewelry to prevent exposure to harmful materials. The bill regulates heavy metals, including **cadmium**, magnets, and batteries in jewelry intended for use by children aged 12 and younger, consistent with the CPSIA. All children’s jewelry manufactured, sold, or distributed in New York would be required to meet the standards recently adopted by ASTM. The legislation incorporates the ASTM standard by limiting **cadmium**, lead, heavy metals, and nickel, and enacts new requirements for magnets and batteries in jewelry designed or intended primarily for children 12 and under. The bill has been sent to the Assembly. More information is available at <http://www.nysenate.gov/press-release/senate-passes-bill-protect-children-jewelry-made-harmful-metals>.

**Assembly Bill Would Ban Sale And Distribution Of Cadmium-Added Novelty Consumer Products**

There is no new publicly available information to report regarding A.B. 4822, which would ban the sale and distribution of any **cadmium**-added novelty consumer product. More information is available in our March 28, 2013, Update.

**Assembly Bill Introduced Concerning Standards For Cadmium In Children’s Jewelry**

There is no new publicly available information to report regarding A.B. 5615, which would direct the Commissioner of Health to establish standards concerning **cadmium** in children’s jewelry. More information is available in our March 28, 2013, Update.

**Assembly Bill Introduced Concerning Hazardous Toys**

There is no new publicly available information to report regarding A.B. 5824 and S.B. 845, which concern hazardous toys and other articles intended for use by children. A toy would be contaminated with a toxic substance if it meets certain conditions, including if it is coated with paints and lacquers containing soluble compounds of **cadmium**. More information is available in our March 28, 2013, Update.

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

There is no new publicly available information regarding 6283, which would prohibit the sale of a children’s product in which any **cadmium** has been intentionally introduced as an element during manufacturing or distribution. More information is available in our March 28, 2013, Update.

***North Carolina***

**NCSAB Meeting Agenda Includes Cadmium Discussion**

The agenda for NCSAB’s **May 29, 2013**, meeting includes **cadmium**. **Cadmium** was included on the agenda for the April 17, 2013, meeting. The proceedings of the February 20, 2013, meeting, which included a discussion of several **cadmium** studies, are available at <http://daq.state.nc.us/toxics/risk/sab/sab_proceedings.shtml>. More information regarding NCSAB is available at <http://daq.state.nc.us/toxics/risk/sab/>.

**Bill Would Create Legislative Committee On Children’s Health And Toxic Chemicals**

On April 10, 2013, H.B. 848 was introduced in the House. The bill as amended would create the Joint Legislative Study Committee on Children’s Health and Toxic Chemicals to study ways to protect children from the health impacts of toxic chemicals found in children’s products. In the conduct of its study, the Committee would examine existing state laws regarding children’s exposure to toxic chemicals, federal legislation, and legislation enacted in other states that prevent children’s exposure to toxic chemicals. The Committee shall submit an interim report to the 2013 General Assembly when it reconvenes in **2014**. The Committee shall submit a final report, including findings and legislative recommendations, to the **2015** General Assembly.

***Oregon***

**House Bill Would Require List Of High Priority Chemicals Of Concern For Children’s Health**

The House Committee on Health Care passed H.B. 3162 on April 18, 2013, as amended. On May 13, 2013, a hearing was held on the bill, which would require the Oregon Health Authority to maintain a list of designated high priority chemicals of concern for children’s health used in children’s products. Under the bill, the list of high priority chemicals would include chemicals that are listed on both the Department of Environmental Quality’s Toxics Focus List and the Washington Department of Ecology’s List of Chemicals of High Concern to Children. **Cadmium** is included on both lists. More information is available in our March 28, 2013, Update.

***South Carolina***

**Court Will Hold Hearing to Settle Dredging Suits**

The U.S. District Court for the District of South Carolina will hold a hearing on May 29, 2013, to settle formally the lawsuits challenging the $650 million deepening of the Savannah River shipping channel. A tentative settlement was reached in April 2013. Environmental groups in South Carolina and Georgia sued the U.S. Army Corps of Engineers, claiming deepening the 32-mile shipping channel will dredge up **cadmium**. Under the settlement, the U.S. Army Corps of Engineers would have to perform more mitigation, and the Georgia Ports Authority would provide more than $25 million in conservation efforts and transfer 2,000 acres of salt marsh to South Carolina. The plaintiffs could go back to court if tests of equipment designed to replenish oxygen in the water do not work.

***Vermont***

**Senate Bill Would Require Toxic Chemical Identification And Reduction Program**

There is no new publicly available information to report regarding S.B. 117, which would require the Secretary of Natural Resources to establish a toxic chemical identification and reduction program. Under the program, the Secretary would identify chemicals of high concern, and designate a chemical of high concern as a priority chemical if certain conditions are met. More information is available in our March 28, 2013, Update.

***Washington***

**NGOs Analyze Reports Filed Under Children’s Safe Product Act**

On May 1, 2013, the Washington Toxics Coalition announced the results of an analysis it conducted with Safer States of reports filed with the Washington State Department of Ecology under the Children’s Safe Product Act. According to Washington Toxics Coalition, it found that manufacturers reported using 41 chemicals identified as a concern for children’s health, “including toxic metals such as **cadmium**, mercury, and antimony.” The Act requires major companies making children’s products to report the presence of listed chemicals in their products. The reports cover certain children’s products sold in Washington from June 1, 2012, to March 1, 2013. Washington Toxics Coalition states that major findings from the reports include:

* More than 5,000 products have been reported as containing a chemical on Washington State’s list of 66 Chemicals of High Concern to Children;
* Products reported include children’s clothing and footwear, personal care products, baby products, toys, car seats, and arts and craft supplies;
* Toxic metals such as mercury, **cadmium**, cobalt, antimony, and molybdenum were reported, with cobalt being the metal most often reported;
* Manufacturers reported using phthalates in clothing, toys, bedding, and baby products; and
* Other chemicals reported include solvents such as ethylene glycol and methyl ethyl ketone, and a compound used in silicone known as octamethylcyclotetrasiloxane.

More information regarding the analysis is available at <http://www.watoxics.org/chemicalsrevealed>.

**MISCELLANEOUS ISSUES**

**CPSC Requests Information Regarding The Solubility Of The Eight Elements Listed In ASTM F963-11, Including Cadmium**

On April 16, 2013, CPSC issued a notice seeking information on whether there are materials that can be determined not to include a prohibited element (including **cadmium**) or chemical (six prohibited phthalates), such that third party testing is not required. CPSC also seeks information on materials that do not, and will not, contain the prohibited elements or chemicals in concentrations above their applicable maximum limit. Comments are due **June 17, 2013**.

**IRIS Assessment**

***GAO Preparing Report On IRIS Program***

A GAO spokesperson stated that GAO intended to release its report on EPA’s IRIS Program to the Senate Environment and Public Works Committee in mid-April 2013. According to scoping information provided by the spokesperson, GAO “will assess how EPA manages its chemical nomination and prioritization process for future IRIS assessments; to what extent EPA meets demand for IRIS assessments from within EPA program and regional offices; and to what extent EPA has evaluated its current and projected IRIS assessment workload to better understand current and future demand for IRIS assessments.” In 2009, GAO added “transforming EPA’s processes for assessing and controlling toxic chemicals to its High-Risk List, in part, because EPA has been unable to routinely produce timely, credible chemical assessments as part of its [IRIS] program.”

***Chemical Assessment Advisory Committee Holds First Meeting***

On April 2-3, 2013, the SAB’s Chemical Assessment Advisory Committee held its first meeting. Committee members discussed concerns regarding their role and whether the Committee would function merely as a “rubber stamp” for nearly complete IRIS assessments. SAB intends that 12 to 15 Committee members will review each IRIS assessment, augmented by a handful of chemical-specific experts who are not Committee members. Suhair Shallal, the Designated Federal Official for the Committee, stated: “I do not expect [you to do] 10 reviews a year . . . that is not possible. . . . Each of you should sit on average on three committees” per year. Several Committee members noted that IRIS has rarely released more than a handful of assessments each year and asked if there would be 12 to 15 IRIS assessments per year to review. Ken Olden, Director of NCEA, reiterated his goal of producing 12 to 15 assessments per year, stating: “We’re well beyond halfway with that.” During the meeting, EPA officials indicated that the Committee will peer review three draft assessments by the end of **2013**, including assessments for ammonia and trimethylbenzenes, which EPA released for public comment in summer 2012, as well as the assessment for benzo-a-pyrene, which has yet to be released publicly. According to an EPA spokesperson, IRIS staff “will have to go back and think about” the Committee’s interest in more and earlier involvement in EPA’s development of IRIS assessments. The spokesperson stated: “We’ll be thinking about all the things that were said today, ways of involving the Committee earlier and figuring out how to respond to that.” Olden stated that he envisions a broader role for the Committee, including possibly reviewing how EPA implements advice from the NAS on improving IRIS or on how EPA should handle those chemicals where IRIS exposure limits are close to background levels. The meeting materials are available at [http://yosemite.epa.gov/sab/sabproduct.nsf/a84bfee16cc358ad85256ccd006b0b4b/1363eb27571284ed85257b0f0062f32b!OpenDocument&Date=2013-04-02](http://yosemite.epa.gov/sab/sabproduct.nsf/a84bfee16cc358ad85256ccd006b0b4b/1363eb27571284ed85257b0f0062f32b%21OpenDocument%26Date%3D2013-04-02).

***EPA Will Issue More Improvements To IRIS Program***

On May 16, 2013, Acting EPA Administrator Bob Perciasepe testified before the House Energy and Commerce Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy during a hearing on EPA’s proposed FY 2014 budget. According to Perciasepe, EPA intends to “shortly come out with another set of improvements” to the IRIS program. Representative John Shimkus (R-IL), Chair of the Subcommittee on Environment and the Economy, noted that NAS and other review boards have criticized IRIS and questioned the scientific integrity of EPA’s work assessing chemicals and environmental contaminants under IRIS. Responding to Shimkus’s comments, Perciasepe stated: “Two things are going on. We are staying linked with the NAS as we are making these improvements, and we have another batch coming up. We are very keen on exactly what you are saying.”

***Upcoming Meetings***

The IRIS website lists the following upcoming meetings:

* **Summer/Fall 2013**: Systematic Review Workshop -- Deadline for input is **May 31, 2013**.
* **10/24-25** (tentative): Mouse Lung Tumor Workshop -- To discuss available data and interpretation of study results on chemically-induced mouse lung tumors and the relevance of these tumors in mice to human cancer risk. Additional details will be available “soon.”
* **TBD**: Hexavalent Chromium Workshop -- On factors affecting the reduction and absorption of hexavalent chromium in the gastrointestinal tract.

More information is available at <http://www.epa.gov/iris/publicmeeting/>.

**NRC Committee On AEGLs Discusses Cadmium**

The NRC Committee on AEGLs discussed **cadmium** at its April 22-24, 2013, meeting. The Committee reviews proposed AEGLs developed by an interagency national advisory committee. The NRC Committee reviews proposed AEGLs for scientific validity, completeness, internal consistency, and conformance to published NRC guidelines; reviews the interagency committee’s research recommendations and -- when appropriate -- identifies priorities for research to fill data gaps; and reviews periodically the recommended standard procedures for developing AEGLs. More information is available at <http://www8.nationalacademies.org/cp/meetingview.aspx?MeetingID=6608&MeetingNo=12>.

**OSHA Committee To Consider Removing Chest X-Rays Requirement From Cadmium Standard**

The tentative agenda for ACCSH’s May 23-24, 2013, meeting included several items from the proposed Standards Improvement Project IV, including removing the requirements for chest x-rays in certain health standards, such as **cadmium**, that may affect construction employees. ACCSH advises the Secretary of Labor and Assistant Secretary of Labor for Occupational Safety and Health in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions.

**NGOs Begin “Mind The Store” Campaign To Pressure Retailers To Remove Toxic Chemicals From Products, Including Cadmium And Cadmium Compounds**

A coalition of health and environmental NGOs announced on April 11, 2013, “Mind the Store,” a campaign intended to enlist the top ten U.S. retailers in removing toxic chemicals from consumer products. The campaign asks retailers to identify whether a specific list of hazardous chemicals are in the products they sell, and if so, to develop a plan to remove them. According to the campaign, the chemicals, called “The Hazardous 100+,” have been linked to cancer, asthma, hormone disruption, developmental disabilities, and other health problems. Chemicals were added to the first part of the list if they were formally identified by at least two out of six authoritative government bodies as chemicals of high concern:

* State of California -- “List of Chemicals Known to Cause Cancer or Reproductive Toxicity” [*i.e*., the Prop 65 list] (884 substances);
* State of Maine -- “Designated Priority Chemicals” (two substances) and “List of Chemicals of High Concern” (49 substances);
* State of Minnesota -- “List of Priority Chemicals” (nine substances);
* State of Washington -- “List of Chemicals of High Concern to Children” (66 substances);
* U.S. -- “Existing Chemicals Action Plans” (ten substances); and
* EU -- “Authorization List” (14 substances) and “Candidate List of SVHCs for Authorization” (138 substances).

The first part of the list includes **cadmium** and **cadmium compounds**. The list also includes additional chemicals of high concern (or groups of related chemicals) that may possess similar hazard characteristics and exposure potential based on credible scientific evidence. More information is available at <http://mindthestore.saferchemicals.org/>.

**INTERNATIONAL ISSUES**

**Food Sentry Releases Preliminary Analysis Of International Food Safety Violations**

On April 4, 2013, Food Sentry announced it completed its initial analysis of international food safety violations and released a preliminary analysis of some of the most frequent international food safety violators. Food Sentry analyzed almost 1,000 reported incidents regarding foods from 73 countries over the past 12 months, using data from foreign governmental and laboratory testing results. According to Food Sentry, these incidents are comprised of food items that were in violation of a country’s regulatory scheme. Food Sentry states that “contaminants that scored high on the list across the globe were toxic metals (especially **cadmium** and lead), excessive use of antibiotics (especially in Vietnam) and excessive use of various chemicals like preservatives and dyes.” More information is available at <http://www.foodsentry.org/preliminary-analysis-of-international-food-safety-violations/>.

**CANADA**

**Canada Releases Second Set Of Biomonitoring Data From The Canadian Health Measures Survey**

Health Canada released on April 17, 2013, its *Second Report on Human Biomonitoring of Environmental Chemicals in Canada*, which provides the results of the biomonitoring component from the second cycle of the Canadian Health Measures Survey. The data released for Cycle 2 were collected between 2009 and 2011 and include a nationally representative sample of approximately 6,400 Canadians aged 3 to 79 years. Cycle 1 was conducted from 2007 to 2009 and included approximately 5,500 Canadians aged 6 to 79 years. Cycles 1 and 2 include **cadmium** within the category “metals and trace elements.” According to Health Canada, the biomonitoring data will enable scientists, health professionals, and policy makers to:

* Determine baseline levels of chemicals in the Canadian population;
* Compare levels of chemicals among different populations;
* Identify priority chemicals for which further action should be taken to protect the public’s health;
* Assess the effectiveness of health and environmental risk management actions intended to reduce exposure to specific chemicals and the associated health risks;
* Support future research on potential links between exposure to certain chemicals and specific health effects; and
* Contribute to international chemicals management programs.

More information is available at <http://www.hc-sc.gc.ca/ewh-semt/pubs/contaminants/chms-ecms-cycle2/overview-vue-eng.php>.

**CFIA Announces Cadmium Testing In Rice Determines No Health Risk**

CFIA announced on May 23, 2013, that all samples of rice and rice-based products analyzed for the metal **cadmium** were safe for consumption. CFIA tested a total of 280 food samples of domestic and imported origins, including 56 rice grain samples and 224 rice-based products. The 280 samples included 27 domestic products, 251 imported products, and 2 products of unverifiable origin. Since rice is not grown in Canada, the rice products listed as domestic were manufactured or processed in Canada using imported ingredients. CFIA states:

The 2010-2011 study found that 154 (55%) did not contain a detectable level of **cadmium**. The remaining 126 samples contained detectable **cadmium** levels ranging from 0.0054 to 0.0505 parts per million (ppm) in rice grains and 0.0026 to 0.2646 ppm in rice-based products. This result was not unexpected because **cadmium** occurs naturally in the environment, and as a by-product from industrial and agricultural sources. Rice is particularly susceptible to **cadmium** absorption due to its distinctive cultivation in flooded fields.

While Health Canada has not set standards for **cadmium** levels in Canada, the **cadmium** levels observed in this survey were well below the Codex Alimentarius Commission’s established maximum level of 0.4 ppm of **cadmium** in rice. Survey results were shared with Health Canada, which determined there was no health risk to consumers. No recalls were required.

More information is available at <http://www.inspection.gc.ca/about-the-cfia/newsroom/news-releases/2013-05-23/eng/1369240438603/1369240446635>.

**Canada Seeks Information On Selenium-Containing Substances**

The May 25, 2013, *Canada Gazette* includes a notice “with respect to certain selenium-containing substances.” The Minister of the Environment requires, for the purpose of assessing whether the substances listed in the notice are toxic or are capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control the listed substances, any person described in the notice to provide information no later than **October 1, 2013**. The listed substances include **cadmium selenide (CdSe)**; **cadmium selenide sulfide (Cd2SeS)**; **cadmium selenide sulfide (Cd(Se,S))**; **cadmium sulfoselenide orange (Pigment Orange 20)**; and **cadmium sulfoselenide red (Pigment Red 108)**. More information is available at <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-25/html/notice-avis-eng.html#d101>.

**CHINA**

**Shanghai Seizes Foreign Waste Tailings, Claims Excessive Amounts Of Cadmium**

Shanghai customs officials announced on April 11, 2013, that they seized 6,000 tonnes of waste tailings in March amid a crackdown on illegally imported waste. A customs official stated that they detected excessive amounts of arsenic and **cadmium** from the tailings, which could have caused contamination if processed by small refineries in China. According to the official, the tailings were imported mainly from countries in western Asia and eastern Europe. Shanghai launched “Operation Green Fence” in February, and it is intended to strengthen supervision and crack down on imports of banned waste.

**Hong Kong CFS Announces Findings Of Food Safety Report For March**

On May 3, 2013, the CFS announced the findings of its food safety report for March 2013. Of the 8,500 food samples tested, eight samples were found to be unsatisfactory and the overall satisfactory rate was 99.9 percent. The unsatisfactory samples, which include vegetables, fresh chicken, an aquatic product, Chinese cold dishes, and pork sauce, failed to pass chemical and microbiological tests. According to CFS, a Chinese wolfberry sample was found to contain **cadmium** at a level of 0.24 ppm, exceeding the legal limit of 0.1 ppm. The spokesman noted that, based on the level detected, it is unlikely that the sample would pose any adverse health effect upon normal consumption.

**Guangzhou FDA Finds Rice Tainted With Cadmium**

The Guangzhou FDA announced on May 16, 2013, that inspectors in Guangzhou collected samples from 18 locations in the city and found **cadmium** levels in eight exceeded the national standard of 0.2 mg/kg, with some as high as 0.4 mg/kg. The rice in Guangzhou originated from central China’s Hunan province, the country’s biggest rice-producing region. The government noted that it has prohibited the use of the contaminated rice, adopted control measures, and will continue with the surveillance and random sampling of rice being marketed in Guangzhou. Although the investigation is ongoing, it is believed that the contamination occurred due to soil polluted with heavy metals or the heavy use of fertilizers by farmers.

***Yangcheng Evening News* Reports High Levels Of Cadmium In Oysters**

*Yangcheng Evening News* reported on May 24, 2013, that oysters sold at a famous restaurant in Guangdong Province contained **cadmium** levels 20 times the national standard. Reporters sent 24 oysters from Haodexi, a popular barbecue oyster restaurant in Guangzhou, to the Guangzhou Center for Quality Supervision and Testing of Processed Food. They found the oysters contained 2.0 mg/kg **cadmium**, compared with the national standard of 0.1 mg/kg.

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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

**ACCSH** -- Advisory Committee on Construction Safety and Health

**ASTM** -- American Society for Testing and Materials International

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

**CBI** -- Confidential Business Information

**CFIA** -- Canadian Food Inspection Agency

**CFS** -- Center for Food Safety

**CPSC** -- Consumer Product Safety Commission

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

**DNREC** -- Department of Natural Resources and Environmental Control

**DTSC** -- Department of Toxic Substances Control

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

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

**FDA** -- Food and Drug Administration

**FY** -- Fiscal Year

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

**HAP** -- Hazardous Air Pollutant

**ICdA** -- International Cadmium Association

**IRIS** -- Integrated Risk Information System

**mg/kg** -- Microgram Per Kilogram

**MPCA** -- Minnesota Pollution Control Agency

**NAS** -- National Academy of Sciences

**NCEA**-- National Center for Environmental Assessment

**NCSAB** -- North Carolina Scientific Advisory Board on Toxic Air Pollutants

**NGO** -- Non-Governmental Organization

**OSHA** -- Occupational Safety and Health Administration

**P2** -- Pollution Prevention

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

**ppm** -- Part Per Million

**SAB** -- Science Advisory Board

**TBD** -- To Be Determined

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**TURI** -- Toxics Use Reduction Institute

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)