#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# NEW DEVELOPMENTS

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

Federal Issues

CERCLA Issues

EPA Identifies Hardrock Mining Facilities For Financial Responsibility Requirements, page 5

EPCRA Issues

Final Rule Would Require Electronic Reporting Of Toxics Release Data, page 6

EPA Updates NAICS Codes Subject To TRI Reporting, page 6

TSCA Issues

House Subcommittee Holds TSCA Hearing, page 6

EPA Preparing Final Rule On Electronic Reporting Under TSCA, page 7

EPA Developing Chemicals Of Concern List, page 7

TSCA Section 8(d) Rule For Cadmium Not Included On 2013 Regulatory Agenda, page 7

72nd ITC Report States EPA Considering TSCA Section 8(d) Rule Concerning Cadmium, page 8

Senate Will Hold Hearing On TSCA Legislation, page 8

State Issues

*California*

California Announces Biomonitoring Website, page 8

*Delaware*

Delaware Proposes To Revise Requirements For Area Source Plating And Polishing Operations, page 9

*Maine*

Governor Vetoes Bill Amending Kid-Safe Products Act, page 10

*Massachusetts*

Senate Committee Favorably Reports Bill To Regulate Cadmium In Children’s Jewelry, page 10

*Michigan*

Bills Would Require Creation Of List Of Hazardous Chemicals In Toxic Substances Or Products, page 10

Bills Would Require Manufacturers To Report Toxic Substances In Children’s Products, page 11

*Nevada*

Legislature Approves Resolution On Mining Tax, page 11

*New York*

Assembly Passes Bill To Ban Sale And Distribution Of Cadmium-Added Novelty Consumer Products, page 12

*North Carolina*

NCSAB Meeting Agenda Includes Cadmium Discussion, page 12

*Oregon*

House Passes Bill Requiring List Of High Priority Chemicals Of Concern For Children’s Health, page 13

*Rhode Island*

Bills Would Expand Scope Of Comprehensive Children’s Jewelry Safety Act, page 13

Miscellaneous Issues

ACGIH BEI Committee Updates Under Study List, page 13

ASTM Consumer Products Committee Approves Adult Jewelry Standard, page 13

ATSDR Requests Comments On Proposed Substances To Be Evaluated For Set 27 Toxicological Profiles, page 14

CDC Proposes Adding Prostate Cancer To The List Of WTC-Related Health Conditions, page 14

House Democrats Introduce Bill To Reform Hardrock Mining Laws, page 14

House Bill Would Prohibit Export Of Certain Electronic Waste, page 15

EPA’s National Enforcement Initiatives Include Reducing Pollution From Mineral Processing Operations, page 15

IRIS Assessment

*GAO Recommends EPA Develop Agencywide Strategy*, page 16

*EPA Posts Draft Agenda For Systematic Review Workshop*, page 17

*EPA Opens Registration For October 2013 Mouse Lung Tumor Workshop*, page 17

OSHA Signs MOU With Canada To Align Hazardous Communication Standards, page 17

ACCSH Will Consider Removing Requirements For Chest X-Rays In Cadmium Health Standard, page 17

International Issues

ACS Publishes Study On Variation In Rice Cadmium, page 18

Canada

Health Canada Seeks Comments On Proposal To Implement GHS In Canada, page 18

Canada Publishes Draft Screening Assessment Of Substances From Phase One Of The DSL Inventory Update, page 19

China

Shenzhen Official States Average Cadmium Intake Below WHO Levels, page 19

Mills In Hunan Province Ask For Government Help After Cadmium-Contaminated Rice Recall, page 20

Ministry Of Land And Resources Compiling Map Of Heavy Metal Contamination In Soil, page 20

Preserved Egg Firms Closed After News Story Claims Copper Sulfate Was Used To Speed Production, page 20

Greenpeace Finds Heavy Metals In Beijing Air, page 20

China FDA Drafting Amendment To Update Food Safety Law, page 21

Produce Grown In Pearl River Delta Contains Excessive Levels Of Cadmium, page 21

China Notifies WTO Of Proposed Changes To Toy Standard, page 21

China Suspends Five Officials Over River Pollution, page 21

13 Jailed For Heavy Metal River Pollution, page 22

India

Study Finds High Levels Of Air Pollution In Delhi, page 22

Philippines

NGO Finds Cadmium In Rainwear Products, page 22

NGO Finds “Poison Toys” For Sale Near Public Schools, page 23

EcoWaste Coalition Asks For Ban On Cadmium In Food-Contact Materials, page 23

EcoWaste Coalition Urges Congress To Eliminate Toxic Substances From Children’s Products, page 23

Sri Lanka

Agriculture Ministry Will Screen Imported Foods For Heavy Metals, Including Cadmium, page 23

Agriculture Minister States There Is No Scientific Evidence That Locally Produced Rice Contains Cadmium, page 24

Research Institute Finds Soil Samples From Paddy Fields Contain Cadmium, page 24

**FEDERAL ISSUES**

**CERCLA ISSUES**

**EPA Identifies Hardrock Mining Facilities For Financial Responsibility Requirements**

According to a notice in EPA’s 2013 Regulatory Agenda, which was published on July 3, 2013, EPA intends to publish an NPRM by **May 2014** concerning financial responsibility requirements under CERCLA Section 108(b). On July 28, 2009, EPA published a priority notice of action identifying classes of facilities within the hardrock mining industry for which EPA will first develop financial responsibility requirements. In the July 28, 2009, notice, EPA states that, for purposes of the notice, “hardrock mining facilities include those which extract, beneficiate or process metals (*e.g*., copper, gold, iron, lead, magnesium, molybdenum, silver, uranium, and zinc) and non-metallic, non-fuel minerals (*e.g*., asbestos, gypsum, phosphate rock, and sulfur).” More information is available on the Internet at <http://www.epa.gov/superfund/policy/financialresponsibility/index.html>.

**EPCRA ISSUES**

**Final Rule Would Require Electronic Reporting Of Toxics Release Data**

According to a notice in EPA’s 2013 Regulatory Agenda, which was published on July 3, 2013, EPA intends to publish in **August 2013** a final rule that would require facilities to report non-confidential information via TRI-MEweb. EPA states that facilities reporting trade secrets would continue to file paper forms. According to EPA, the use of TRI-MEweb will help ensure data accuracy, while also enabling EPA “to more effectively provide the public with access to the latest TRI data on toxic chemical releases and other waste management within communities.”

**EPA Updates NAICS Codes Subject To TRI Reporting**

EPA promulgated a direct final rule on July 18, 2013, updating the list of NAICS codes subject to TRI reporting to reflect the OMB 2012 NAICS revision. Facilities would be required to use 2012 NAICS codes when reporting to TRI beginning with TRI reporting forms that are due on **July 1, 2014**, covering releases and other waste management quantities for the 2013 calendar year. EPA simultaneously published the revisions in a proposed rule. According to the direct final rule, if EPA receives no adverse comment by **August 19, 2013**, the direct final rule will become effective on **October 16, 2013**, and EPA will withdraw the proposed rule.

**TSCA ISSUES**

**House Subcommittee Holds TSCA Hearing**

The House Energy and Commerce Subcommittee on Environment and the Economy held a hearing on June 13, 2013, on “Title I of the Toxic Substances Control Act: Understanding its History and Reviewing its Impact.” The provisions govern requirements involving the testing of chemical substances and mixtures, records that must be kept, and manufacturing, processing, and export notices that chemical manufacturers must file. The following witnesses testified during the hearing:

* Kathleen M. Roberts, Vice President, B&C Consortia Management, L.L.C., an affiliate of B&C;
* Charles M. Auer, Principal, Charles Auer & Associates, LLC;
* Alfredo Gomez, Director, Natural Resources and Environment, GAO;
* Beth Bosley, President, Boron Specialties, L.L.C.;
* Daniel Rosenberg, Senior Attorney, Health and Environment Program, Natural Resources Defense Council; and
* Jeanne Rizzo, President and CEO, Breast Cancer Fund.

The witness statements and archived webcast are available at <http://energycommerce.house.gov/hearing/title-i-toxic-substance-control-act-understanding-its-history-and-reviewing-its-impact>. More information regarding the hearing is available in B&C®’s June 14, 2013, memorandum, which is available at <http://www.lawbc.com/regulatory-developments/entry/house-subcommittee-holds-tsca-oversight-hearing/>.

**EPA Preparing Final Rule On Electronic Reporting Under TSCA**

According to a notice in EPA’s 2013 Regulatory Agenda, which was published on July 3, 2013, EPA intends to promulgate a final rule in **July 2013** requiring electronic reporting of certain information that must be submitted under TSCA. Under EPA’s April 2012 proposed rule, test data developed under a TSCA Section 4 test rule or an enforceable consent agreement, TSCA Section 8(a) PAIR information, and TSCA Section 8(d) health and safety data would be submitted electronically. In addition, EPA also proposed amendments to TSCA Section 5 reporting regulations to require electronic reporting for NOCs and support documents. EPA intends the rulemaking “to streamline the reporting process, reduce the administrative costs associated with submission and recordkeeping required for the rules, and establish standards for using EPA’s Central Data Exchange (CDX), which provides a single portal to enable electronic submission of forms, reports, and other documents to the Agency.”

**EPA Developing Chemicals Of Concern List**

According to a notice in EPA’s 2013 Regulatory Agenda, which was published on July 3, 2013, EPA is developing a proposal to add certain chemicals to a list of chemical substances that EPA finds present or may present an unreasonable risk of injury to human health or the environment. EPA intends to propose the rule using the authority provided under TSCA Section 5(b)(4). EPA states it “is concerned that the hazards of these substances and the magnitude of human and/or environmental exposure indicates that they may present an unreasonable risk to human health and/or the environment.” EPA would also propose conforming changes to the TSCA 12(b) export notification regulations. EPA intends to publish an NPRM in **October 2013**.

**TSCA Section 8(d) Rule For Cadmium Not Included On 2013 Regulatory Agenda**

EPA published its 2013 Regulatory Agenda on July 3, 2013, and the Regulatory Agenda no longer includes a rulemaking concerning **cadmium**. EPA included an item on its 2012 Regulatory Agenda stating that it intended to promulgate a final TSCA Section 8(d) rule requiring reporting from manufacturers (including importers), and also intended to propose a rule to require reporting from processors and distributors. According to the 2012 Regulatory Agenda item, EPA would use the health and safety studies to help determine if a potential hazard exists from **cadmium** or **cadmium compounds** and whether a product should be banned as a hazardous substance under guidelines established by CPSC.

**72nd ITC Report States EPA Considering TSCA Section 8(d) Rule Concerning Cadmium**

In the July 24, 2013, *Federal Register*, EPA published the 72nd ITC Report. The summary of ITC’s activities during the reporting period (December 2012 to May 2013) states:

**Cadmium** and **cadmium compounds** were added to the TSCA section 4(e) Priority Testing List in the ITC’s 68th and 69th Reports (Refs. 3 and 4). **Cadmium** and **cadmium compounds** were included in a TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rule that was published in the *Federal Register* of December 3, 2012 (77 FR 71561) (FRL-9355-9). After receiving adverse comments to the HaSDR rule, EPA published a document withdrawing the HaSDR rule in the *Federal Register* of December 28, 2012 (77 FR 76419) (FRL-9375-3) due to questions and concerns raised about the scope and extent of the HaSDR rule. EPA is considering the questions and concerns raised in response to the HaSDR rule and next steps with regard to that rule.

**Senate Will Hold Hearing On TSCA Legislation**

On **July 31, 2013**, the Senate Committee on Environment and Public Works will hold a hearing on “Strengthening Public Health Protections by Addressing Toxic Chemical Threats.” According to Senator Barbara Boxer (D-CA), Chair of the Committee, the hearing will consider approaches to TSCA reform used in several previous bills, including the Chemical Safety Improvement Act (S. 1009), which Senator David Vitter (R-LA) and the late Senator Frank Lautenberg (D-NJ) introduced on May 22, 2013. The witnesses have not yet been announced. More information, including a webcast of the hearing, will be available at <http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_id=15d8775e-f02a-6ab7-1973-8ea6ce1196c7>.

**STATE ISSUES**

***California***

**California Announces Biomonitoring Website**

On July 9, 2013, California announced a new biomonitoring website. The website states that the purpose of the California Environmental Contaminant Biomonitoring Program is to:

1. Determine levels of environmental chemicals in a representative sample of Californians;

2. Establish trends in the levels of these chemicals over time; and

3. Help assess the effectiveness of public health efforts and regulatory programs to decrease exposures to specific chemicals.

Chemicals being biomonitored include **cadmium**. The website is available at <http://www.biomonitoring.ca.gov/>.

***Connecticut***

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

There is no new publicly available information to report regarding H.B. 6526, under which the Commissioner of Public Health would identify chemicals of high concern to children. More information is available in our May 28, 2013, Update.

***Delaware***

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

On June 27, 2013, DNREC held a public hearing 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:

* 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**

There is no new publicly available information to report regarding H.B. 111, which would require the state to publish a list of 50 to 100 chemicals of high concern in consumer products. The bill was assigned to the House Committee on Health and Human Development, and re-assigned to the House Committee on Natural Resources. More information is available in our May 28, 2013, Update.

***Illinois***

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

There is no new publicly available information to report regarding S.B. 857, which would amend the **Cadmium**-Safe Kids Act to make a technical change in a section concerning the short title.

***Maine***

**Governor Vetoes Bill Amending Kid-Safe Products Act**

On June 27, 2013, the House passed 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. On July 8, 2013, Governor Paul LePage (R) vetoed the bill, and on July 9, 2013, the Senate sustained the Governor’s veto.

***Massachusetts***

**Senate Committee Favorably Reports Bill To Regulate Cadmium In Children’s Jewelry**

On July 11, 2013, S.B. 900 was reported favorably by the Committee on Public Health and referred to the Committee on Senate Ethics and Rules. 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.

***Michigan***

**Bills Would Require Creation Of List Of Hazardous Chemicals In Toxic Substances Or Products**

On May 29, 2013, a bill was introduced that would require the Department of Community Health to provide by **July 1, 2014**, a list of hazardous chemicals in toxic substances or products. By July 1, 2013, the Department would compile a list of at least ten chemicals that meet one or more of the following criteria:

(a) Have been found through biomonitoring to be present in breast milk, urine, human blood including umbilical cord blood, or other bodily tissues or fluids;

(b) Have been found through sampling and analysis to be present in consumer products or in household dust, indoor air, drinking water, or elsewhere in the home environment;

(c) Have been found through monitoring to be present in fish, wildlife, or the natural environment;

(d) Are included in EPA’s sponsored chemicals list or unsponsored chemicals list, developed under its High Production Volume Challenge Program and together comprising chemicals produced or imported in the U.S. in quantities of 1,000,000 pounds or more per year; or

(e) Are determined by the department to be specifically relevant to the health of children in this state.

The bill was referred to the Committee on Government Operations. Similar legislation (H.B. 4795) was introduced in the House on May 30, 2013, and referred to the Committee on Regulatory Reform.

**Bills Would Require Manufacturers To Report Toxic Substances In Children’s Products**

A Senate bill (S. 400) was introduced on May 29, 2013, that would require manufacturers and distributors to make reports concerning toxic substances or products in children’s products. The bill was referred to the Committee on Government Operations. Similar legislation (H.B. 4796) was introduced on the House on May 30, 2013, and referred to the Committee on Regulatory Reform.

***Nevada***

**Legislature Approves Resolution On Mining Tax**

On May 23, 2013, the Assembly approved a resolution (S.J.R. 15) that would give voters the right to decide whether to change how the state’s mining industry is taxed. Currently, the state constitution limits mining taxes to a rate of five percent of the value of minerals sold, less deductions. Under the resolution, voters would be asked whether they want to amend the constitution to remove the cap. The Senate passed the resolution on April 1, 2013. The resolution is available at <http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=171>.

***New York***

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

On June 11, 2013, the Assembly passed A.B. 4822, which would ban the sale and distribution of any **cadmium**-added novelty consumer product. The bill would require a manufacturer that produces or sells **cadmium**-added novelty consumer products to notify retailers about the product ban and inform such retailers how to dispose properly of the remaining inventory. The ban would take effect on **June 1, 2015**. The bill was referred to the Senate Committee on Environmental Conservation.

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

There is no new publicly available information to report regarding S.B. 4614, which 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**

There is no new publicly available information to report regarding 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. More information is available in our May 28, 2013, Update.

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

There is no new publicly available information to report regarding 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. More information is available in our May 28, 2013, Update.

***North Carolina***

**NCSAB Meeting Agenda Includes Cadmium Discussion**

The agenda for NCSAB’s **July 31, 2013**, meeting includes **cadmium**. 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**

There is no new publicly available information to report regarding H.B. 848, which 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. More information is available in our May 28, 2013, Update.

***Oregon***

**House Passes Bill Requiring List Of High Priority Chemicals Of Concern For Children’s Health**

On June 18, 2013, the House voted 39-21 to approve H.B. 3162, 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.

***Rhode Island***

**Bills Would Expand Scope Of Comprehensive Children’s Jewelry Safety Act**

On June 4, 2013, the Senate approved a bill (S.B. 497) that would expand the scope of the Comprehensive Children’s Jewelry Safety Act to apply to children’s jewelry sold within Rhode Island. Currently, children’s jewelry manufactured in Rhode Island for children age 12 years and younger must meet the requirements of ASTM F2923-11. The House passed a companion bill (H.B. 5423) on July 1, 2013.

**MISCELLANEOUS ISSUES**

**ACGIH BEI Committee Updates Under Study List**

As reported in our July 23, 2013, e-mail, on July 23, 2013, ACGIH’s BEI Committee updated its under study list. **Cadmium and inorganic compounds** are now included in Tier 2 (will not move forward with an NIC proposal in **2014**). More information is available at <http://www.acgih.org/TLV/Studies.htm>.

**ASTM Consumer Products Committee Approves Adult Jewelry Standard**

On June 6, 2013, ASTM International announced that the Consumer Products Committee approved ASTM F2999, Consumer Safety Specification for Adult Jewelry. ASTM F2999 limits lead in adult jewelry, as well as the following compounds in surface coatings: antimony, arsenic, barium, **cadmium**, chromium, mercury, and selenium. More information is available at <http://www.astmnewsroom.org/default.aspx?pageid=3111>.

**ATSDR Requests Comments On Proposed Substances To Be Evaluated For Set 27 Toxicological Profiles**

ATSDR published a July 19, 2013, *Federal Register* notice requesting public nominations from the 2011 priority list of hazardous substances to be evaluated for CERCLA Set 27 toxicological profile development. The list of 275 substances includes **cadmium**, which is ranked seventh on the 2011 list and was seventh on the 2007 list. As reported in our January 28, 2013, Update, ATSDR published a notice in the December 13, 2012, *Federal Register* announcing the availability of ten final Toxicological Profiles of priority hazardous substances, including **cadmium**. Nominations for CERCLA Set 27 toxicological profile development are due **August 19, 2013**.

**CDC Proposes Adding Prostate Cancer To The List Of WTC-Related Health Conditions**

On July 2, 2013, CDC published a proposed rule that would add malignant neoplasm of the prostate (prostate cancer) to the list of WTC-related health conditions. On May 2, 2013, the Administrator of the WTC Health Program received a petition requesting the addition of prostate cancer to the list of WTC-related health conditions covered in the WTC Health Program. According to the *Federal Register* notice, the Administrator reviewed the available evidence, including 9/11 exposures in relation to NTP and IARC information pertinent to prostate cancer (Method 3). The notice states:

Arsenic and **cadmium** are 9/11 exposures that have been reported in several exposure assessment studies of responders or survivors of the September 11, 2001, terrorist attacks in New York City (Method 3A); and NTP identified arsenic and **cadmium** as known to be human carcinogens and IARC found limited evidence in humans that arsenic and **cadmium** cause prostate cancer (Method 3B). Based on the evidence provided in Methods 3A and 3B, the Administrator has determined that prostate cancer should be added to the List.

Comments are due **August 1, 2013**.

**House Democrats Introduce Bill To Reform Hardrock Mining Laws**

Representatives Ed Markey (D-MA), Raul Grijalva (D-AZ), and Rush Holt (D-NJ) introduced the Abandoned Mine Lands Cleanup and Taxpayer Fairness Act (H.R. 2467) on June 20, 2013. The bill would establish a program to clean up abandoned hardrock mines. The Abandoned Mine Cleanup Fund would be funded by a per-ton fee. The bill would establish mineral royalties of 12.5 percent and also set aside certain environmentally sensitive areas from future mining.

**House Bill Would Prohibit Export Of Certain Electronic Waste**

On July 23, 2013, Representative Gene Green (D-TX) introduced the Responsible Electronics Recycling Act (H.B. 2791), which would prohibit the export from the U.S. of certain electronic waste. Prohibited wastes would include items containing certain metals, such as **cadmium**, including circuit boards; printer drums; liquid crystal displays; flatscreen glass; and light emitting diodes. The bill was referred to the Committee on Energy and Commerce, and to the Committee on Science, Space, and Technology.

**EPA’s National Enforcement Initiatives Include Reducing Pollution From Mineral Processing Operations**

EPA has identified six multi-year national enforcement initiatives intended to address specific environmental problems, risks, or patterns of noncompliance. EPA reevaluates the initiatives every three years “to assure that federal enforcement resources are focused on the most important environmental problems where noncompliance is a significant contributing factor, and where federal enforcement attention can have a significant impact.” The current set of FY 2011-2013 National Enforcement Initiatives will continue for FY **2014-2016**. These initiatives focus on:

* Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation’s Waters;
* Preventing Animal Waste from Contaminating Surface and Ground Waters;
* Cutting Toxic Air Pollution that Affects Communities’ Health;
* Reducing Widespread Air Pollution from the Largest Sources, Especially the Coal-fired Utility, Cement, Glass, and Acid Sectors;
* Reducing Pollution from Mineral Processing Operations; and
* Assuring Energy Extraction Sector Compliance with Environmental Laws.

Regarding reducing pollution from mineral processing operations, EPA states:

Mining and mineral processing facilities generate more toxic and hazardous waste than any other industrial sector, based on the EPA’s Toxic Release Inventory. Many of these facilities have impacted surrounding communities and continue to pose high risk to human health and the environment. For example, over 120 mining and mineral processing sites are on the Superfund National Priorities List and more sites are being added every year, including operating facilities. The EPA has spent over $2.4 billion to address the human health and environmental threats to communities as a result of mining and mineral processing. In some cases, the EPA had to sample drinking water wells due to potential impacts to children in low income communities. At some sites, EPA’s inspections have found significant non-compliance with hazardous waste and other environmental laws. Some of the more serious cases required alternative drinking water supplies or removal of lead-contaminated soil from residential yards. In other cases, toxic spills into waterways from mining and mineral processing caused fish kills and impacted the livelihood of low income communities. The EPA will continue its enforcement initiative to bring these facilities into compliance with the law and protect the environment and nearby communities.

More information is available at <http://www.epa.gov/oecaerth/data/planning/initiatives/2014-2016-nei-announcement.pdf>.

**IRIS Assessment**

***GAO Recommends EPA Develop Agencywide Strategy***

On June 10, 2013, GAO posted a report entitled *An Agencywide Strategy May Help EPA Address Unmet Needs for Integrated Risk Information System Assessments*. According to GAO, without a clear understanding of current demand for IRIS toxicity assessments, EPA cannot adequately measure the IRIS Program’s performance; effectively determine the number of IRIS toxicity assessments required to meet the needs of IRIS users; or know the extent of unmet demand. GAO states that the Program’s chemical nomination and selection process, which EPA uses to gauge interest in the IRIS Program from users inside and outside of EPA, may not accurately reflect current demand for IRIS toxicity assessments. GAO recommends that EPA evaluate the demand for IRIS assessments; document how it applies its selection criteria; and develop an agencywide strategy including, at a minimum, coordination across EPA offices, as well as with other federal agencies, to identify and fill data gaps, and providing guidance that describes alternative sources of toxicity information. According to the report, EPA agreed with the first two recommendations and partially agreed with the third. The report is available at <http://www.gao.gov/products/GAO-13-369>.

***EPA Posts Draft Agenda For Systematic Review Workshop***

EPA announced on July 2, 2013, the draft agenda for an **August 26, 2013**, systematic review workshop. The workshop will examine the state of the science of systematic review methodology, focusing on recent developments as the methodology has expanded outside the arena of evidence-based medicine. In addition, different frameworks used to synthesize various types of evidence for evaluating causality will be explored. More information is available at <http://www.epa.gov/iris/irisworkshops/systematicreview/index.htm>.

***EPA Opens Registration For October 2013 Mouse Lung Tumor Workshop***

On July 17, 2013, EPA opened registration for the **October 24-25, 2013**, workshop, which will cover a broad range of evidence from human, animal, and *in vitro* studies with a focus on specific chemicals (ethylbenzene, naphthalene, and styrene) causing tumors in mice and implicated in a proposed species-specific mode of action based on metabolic and physiological susceptibility. More information is available at <http://www.epa.gov/iris/irisworkshops/mltw/index.htm>.

**OSHA Signs MOU With Canada To Align Hazardous Communication Standards**

OSHA announced on June 19, 2013, that it signed an MOU with the Healthy Environments and Consumer Safety Branch of the Department of Health of Canada. According to OSHA, the MOU will allow it to collaborate with Canada on implementing GHS, as well as on any future GHS developments. Under the MOU, OSHA and Canada will establish a working group intended to reduce systematic barriers between the systems responsible for occupational safety and health of workplace chemicals and collaborate to reach common positions for the United Nations Sub-Committee of Experts on the GHS about proposed updates to the system, among other goals. More information is available at <http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=24228>.

**ACCSH Will Consider Removing Requirements For Chest X-Rays In Cadmium Health Standard**

OSHA published a *Federal Register* notice on July 23, 2013, announcing that ACCSH will meet on **August 22-23, 2013**. According to the notice, the tentative agenda for the meeting includes 12 items from the proposed Standards Improvement Project IV, including “[r]emove requirements for chest x-rays in certain health standards, such as **cadmium** and inorganic arsenic, that affect construction employees.” Comments, requests to address the ACCSH meeting, and speaker presentations are due **August 15, 2013**.

**INTERNATIONAL ISSUES**

**ACS Publishes Study On Variation In Rice Cadmium**

On May 13, 2013, ACS published on its website a study entitled “Variation in Rice Cadmium Related to Human Exposure.” The abstract states:

Cereal grains are the dominant source of **cadmium** in the human diet, with rice being to the fore. Here we explore the effect of geographic, genetic, and processing (milling) factors on rice grain **cadmium** and rice consumption rates that lead to dietary variance in **cadmium** intake. From a survey of 12 countries on four continents, **cadmium** levels in rice grain were the highest in Bangladesh and Sri Lanka, with both these countries also having high per capita rice intakes. For Bangladesh and Sri Lanka, there was high weekly intake of **cadmium** from rice, leading to intakes deemed unsafe by international and national regulators. While genetic variance, and to a lesser extent milling, provide strategies for reducing **cadmium** in rice, caution has to be used, as there is environmental regulation as well as genetic regulation of **cadmium** accumulation within rice grains. For countries that import rice, grain **cadmium** can be controlled by where that rice is sourced, but for countries with subsistence rice economies that have high levels of **cadmium** in rice grain, agronomic and breeding strategies are required to lower grain **cadmium**.

The study is available for purchase at <http://pubs.acs.org/doi/abs/10.1021/es400521h>.

**CANADA**

**Health Canada Seeks Comments On Proposal To Implement GHS In Canada**

Health Canada published a notice in the June 29, 2013, *Canada Gazette* seeking written comments on a proposal to repeal and replace the Controlled Products Regulations with new regulations to be entitled the Hazardous Products Regulations. The new regulations would implement the GHS hazard classification criteria and hazard communication elements and, to the maximum extent possible, be in alignment with OSHA’s Hazard Communication Standard. The proposed Hazardous Products Regulations would implement changes in five broad areas:

1. The manner of establishing the classification of hazardous products;
2. Classification of physical hazards;
3. Classification of health hazards;
4. Hazard communication and other requirements; and
5. Exemptions.

Canada states that the notice is an opportunity for the public to provide early comments and input before Canada prepublishes the regulations in the *Canada Gazette*. Canada notices that the prepublication process will provide an additional opportunity for public comment on the proposed regulations. Comments are due **September 15, 2013**. More information is available at <http://www.hc-sc.gc.ca/ewh-semt/consult/_2013/ghs-sgh/index-eng.php>.

**Canada Publishes Draft Screening Assessment Of Substances From Phase One Of The DSL Inventory Update**

Canada published a notice in the June 15, 2013, *Canada Gazette* announcing the results of its draft screening assessment of substances from Phase 1 of the DSL Inventory Update. Based on information regarding commercial activity in Canada, Canada identified 140 of the approximately 500 inanimate substances surveyed for application of a rapid screening approach because they were identified as being in commerce in Canada at a total quantity of ≤ 1,000 kilograms per year. According to the notice, Health Canada and Environment Canada concluded that 119 substances, including **cadmium, bis(diethylcarbamodithioato-S,S’)-, (T-4)-**; **dodecanoic acid, barium cadmium salt**; **naphthenic acids, cadmium salts**; **neodecanoic acid, cadmium salt**; **benzoic acid, 3-methyl-, cadmium salt**; **cadmium, benzoate p-tert-butylbenzoate complexes**; **cadmium zinc sulfide ((Cd,Zn)S), copper chloride-doped**; and **octadecanoic acid, 12-hydroxy-, cadmium salt (2:1)** do not meet the toxicity criteria under CEPA. Comments are due **August 14, 2013**. The notice is available at <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-06-15/html/notice-avis-eng.html#d101>.

**CHINA**

**Shenzhen Official States Average Cadmium Intake Below WHO Levels**

Huang Wei, Director of the Shenzhen CDC’s Nutrition and Food Health Department, stated on May 24, 2013, that residents’ average **cadmium** intake was lower than tolerable monthly standards set by WHO. According to Huang, residents’ average daily **cadmium** exposure, at 25 mg/kg, accounted for only 72 percent of WHO’s allowable standard. Huang stated: “Residents should not worry about eating rice because of the **cadmium** incidents. The problematic rice found in Shenzhen was all bulk rice, so residents can avoid risks by buying brand-name, packaged rice at big supermarkets.”

**Mills In Hunan Province Ask For Government Help After Cadmium-Contaminated Rice Recall**

Three rice mills in central China’s Hunan Province have asked the government to find the cause of **cadmium**-contaminated rice and help them bring their businesses back to normal as the summer harvest approaches. The mills were ordered to recall their products and suspend business operations in March 2013 after a food safety inspection in the city of Guangzhou in south China’s Guangdong Province found excessive amounts of **cadmium**. The cause of the contamination remains unclear, which concerns local mill operators and farmers. A mill owner stated: “The government should examine the paddy rice, soil, or water quality. They should tell us what went wrong and how to solve the problem.”

**Ministry Of Land And Resources Compiling Map Of Heavy Metal Contamination In Soil**

According to Chinese news agency Xinhua, the Ministry of Land and Resources is compiling a nationwide “pollution map” intended to gauge the level of heavy-metal contamination in soil due to human activities. The process includes collecting soil samples from across the country and testing levels of 78 chemical elements found in both topsoil -- less than 25 cm deep -- and in samples from at least a meter underground. The Ministry did not state when it would release the survey results, but stated that researchers have previously found that soil collected in parts of the mid- and lower reaches of the Yangtze River contained high levels of **cadmium**, mercury, lead, and arsenic.

**Preserved Egg Firms Closed After News Story Claims Copper Sulfate Was Used To Speed Production**

Authorities in Jiangxi Province closed 30 companies producing preserved eggs after a June 14, 2013, news story by state broadcaster China Central Television showed that three plants producing preserved duck eggs were using industrial copper sulfate to halve the curing period to a month. A spokesperson for China FDA stated that industrial copper sulfate usually contains high levels of toxic heavy metals, including arsenic, lead, and **cadmium**, so it is banned for use as a food additive. According to China National Radio, all eggs being processed at the plants in Nanchang county were locked away for further testing, and authorities are still screening small processing workshops without licenses.

**Greenpeace Finds Heavy Metals In Beijing Air**

On June 12, 2013, Greenpeace announced the results of its air monitoring from December 3, 2012, to January 18, 2013, in Beijing. Greenpeace states that, “[d]uring the 15 detection days, there were 12 days in which arsenic concentration rose above the annual mean reference limit value taken from Ambient Air Quality Standard, four days in which **cadmium** concentration rose above the annual limit value, and two days in which lead concentration rose above the limit value.” More information is available at <http://www.greenpeace.org/eastasia/news/blog/beijing-air-laced-with-the-heavy-metal-arson/blog/45509/>.

**China FDA Drafting Amendment To Update Food Safety Law**

China FDA has gathered opinions from experts on revising the Food Safety Law and intends to draft an amendment updating it by the end of 2013. The amendment would create the “harshest-ever legal monitoring and management system on food and drug safety.” The amendment would close legal loopholes and is intended to prevent current malpractices in the food production and sale chain. Revisions to the Food Safety Law could include harsher punishments for violations and new regulations on areas not covered currently.

**Produce Grown In Pearl River Delta Contains Excessive Levels Of Cadmium**

In June 2013, a provincial agriculture official stated the spread of heavy metals used in manufacturing, such as arsenic, **cadmium**, copper, and mercury, was a “regional problem, covering a large area” after Guangdong’s decades-long industrial boom. “As a result, about 10 to 20 per cent of vegetables grown in nine vegetable production centres, including Dongguan, Conghua, and [Guangzhou’s] Panyu [district], were tested to contain more heavy metals than the country’s safety levels allow.” A study by Guangzhou-based Sun Yat-sen University found that using polluted water for agricultural irrigation, as well as emissions from cars and industrial sources, were major contributors to the problem. A report released by the State Oceanic Administration earlier in June 2013 found that the Pearl River discharged more than 3,700 tonnes of heavy metals into the South China Sea in 2012.

**China Notifies WTO Of Proposed Changes To Toy Standard**

On July 1, 2012, China notified WTO of proposed changes to its National Safety Technical Code for Toys (GB 6675). The changes include revisions to Part Four, which specifies the requirements of maximum acceptable levels, methods of sampling, and procedure of testing sample preparation and extraction for migration of the elements antimony, arsenic, barium, **cadmium**, chromium, lead, mercury, and selenium from toy materials and parts of toys. The proposed date of adoption is 90 days after circulation by WTO, and the proposed date to enter into force is six months after that. The notification is available at <https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S007.aspx?SymbolList=G%2fTBT%2fN%2fCHN%2f972&ConcernedCountryList=china&AllTranslationsCompleted=1&MetaCollection=WTO&Id=117669&PageAnchorPosition=117669&SearchPagePageNumber=10&SearchPageCurrentIndex=0&Sea>.

**China Suspends Five Officials Over River Pollution**

Chinese news agency Xinhua reported on July 10, 2013, that five officials were suspended after a river was polluted because of illegal sewage discharge in south China’s Guangxi Zhuang Autonomous Region. The Municipal Committee of the Communist Party of China of Hezhou City stated that Zhou Shengning, Deputy Director of the Administration Committee of Pinggui Administrative District of Hezhou City, and four other local officials were suspended from their posts for failure to prevent contamination in Hejiang River. The pollution was first detected when authorities in Fengkai County in neighboring Guangdong Province found a local river had been tainted by upstream pollution. Police traced the source of the pollution to Huiwei Ore-Processing Company, located on the upper reaches of the Hejiang River in Hezhou. The company had been illegally producing indium and discharging effluents that contained **cadmium** and thallium near a river. According to local environmental authorities, **cadmium** and thallium reached more than 5.6 times the recommended level in the river near the polluter.

**13 Jailed For Heavy Metal River Pollution**

On July 16, 2013, 13 people were jailed for pollution in south China’s Guangxi Zhuang Autonomous Region that threatened the drinking water of 1.5 million people. Three of those jailed were environmental inspectors who, according to the courts, allowed plants to dodge pollution inspections and discharge industrial effluents containing **cadmium** into the Longjiang River from April 2011. The pollution was discovered in January 2012.

**INDIA**

**Study Finds High Levels Of Air Pollution In Delhi**

A recent study by Jawaharlal Nehru University found highs levels of aerosol and heavy metals, including **cadmium**. According to the study, vehicular emissions contribute about 63 percent to the total pollution, followed by industries and thermal power plants (29 percent) and domestic sector (8 percent). The areas sampled were Hauz Khas, Dhaula Kuan, areas surrounding Jawaharlal Nehru University, Okhla, and Kaushambi. Fifteen samples were collected and each sample was analyzed chemically (for metals). An “alarmingly high” concentration of **cadmium** was observed in Okhla. Dr. T.K. Joshi, Director, Occupational and Environmental Program, Delhi Government, responded to the results, stating: “This is very unusual that nickel and **cadmium** have been found in Delhi’s air. The main source of these metals is industries. Though the factories are not in abundance in Delhi, they have emerged as a big source of health concern. This is a serious matter and should be seriously pursued.” The study was sponsored by the University Grants Commission, supported by the Ministry of Environment and Forests, and published by the National Academy of Sciences.

**PHILIPPINES**

**NGO Finds Cadmium In Rainwear Products**

On June 2, 2013, EcoWaste Coalition announced that 23 of the 33 rainwear products from Divisoria tested positive for lead and **cadmium**. The NGO tested 25 raincoats, five umbrellas, and three pairs of rain boots bought on June 1, 2013. More information is available at <http://ecowastecoalition.blogspot.com/2013/06/ecowaste-coalition-rain-gear-for-kids.html>.

**NGO Finds “Poison Toys” For Sale Near Public Schools**

EcoWaste Coalition announced on June 9, 2013, that it found “harmful chemicals in assorted children’s products being sold by retailers near 38 public elementary schools in the cities of Caloocan, Makati, Malabon, Manila, Pasay, Quezon and Taguig.” According to EcoWaste Coalition, it found arsenic, antimony, **cadmium**, chromium, lead and mercury above levels of concern in 125 of 325 samples (38 percent) bought “in time for the resumption of school classes.” More information is available at <http://ecowastecoalition.blogspot.com/2013/06/ecowaste-coalition-finds-125-poison.html>.

**EcoWaste Coalition Asks For Ban On Cadmium In Food-Contact Materials**

On July 7, 2013, EcoWaste Coalition announced the results of its analysis of bottled drink labels, claiming it found high levels of lead, **cadmium**, antimony, and arsenic in the markings of at least three soft drink brands. The NGO urged food and health authorities to prohibit **cadmium** and other chemicals of concern in all food-contact materials. More information is available at <http://ecowastecoalition.blogspot.com/2013/07/lead-found-on-labels-of-some-bottled.html>.

**EcoWaste Coalition Urges Congress To Eliminate Toxic Substances From Children’s Products**

EcoWaste Coalition on July 21, 2013, urged the 16th Congress to enact “a robust law that will eliminate toxic substances in products marketed to children.” The NGO bought 100 low-cost children’s bracelets, earrings, necklaces and rings. According to EcoWaste Coalition, 78 items (78 percent) were found to have harmful chemicals, “particularly lead and **cadmium**,” above levels of concern. More information is available at <http://ecowastecoalition.blogspot.com/2013/07/cheap-childrens-jewelries-loaded-with.html>.

**SRI LANKA**

**Agriculture Ministry Will Screen Imported Foods For Heavy Metals, Including Cadmium**

The Agriculture Ministry announced in May 2013 that it would screen food products imported to Sri Lanka to determine whether heavy metals, including **cadmium**, are widely used in these foods and to evaluate potential health risks from these food products. Recent tests conducted by a group of scientists led by Ministry Additional Secretary D B T Wijeratne revealed that harmful substances, including **cadmium**, have been found in imported white sugar.

**Agriculture Minister States There Is No Scientific Evidence That Locally Produced Rice Contains Cadmium**

According to Agriculture Minister Mahinda Yapa Abeywardena, there is no scientific evidence to prove that locally produced rice contains **cadmium**. Abeywardena stated: “There were rumours circulating and a group of persons tried to demonstrate the connection between the usage of chemical fertilizer and the **cadmium** content in rice. The Ministry completely rejects the false information following tests conducted at the Institute of Fundamental Studies and the Paddy Research Institute in Bathalegoda.”

**Research Institute Finds Soil Samples From Paddy Fields Contain Cadmium**

According to RRDI, experiments have revealed that soil samples taken from all paddy fields contain a certain amount of **cadmium**. This includes soil samples taken from paddy fields where no chemical fertilizer had been used for over 30 years. RRDI stated that adding organic and inorganic fertilizers to paddy fields increases the **cadmium** in the soil, although by adding organic ingredients to the soil, the **cadmium** absorption rate of a paddy plant can be significantly reduced.

\* \* \* \* \*

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](mailto:lbergeson@lawbc.com), or Carla N. Hutton at (202) 557-3809 or [chutton@lawbc.com](mailto:chutton@lawbc.com).

## ACRONYMS

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

**ACGIH** -- American Conference of Governmental Industrial Hygienists

**ACS** -- American Chemical Society

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

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

**BEI** -- Biological Exposure Indices

**CDC** -- Centers for Disease Control and Prevention

**CEO** -- Chief Executive Officer

**CEPA** -- Canadian Environmental Protection Act

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

**cm** -- Centimeter

**CPSC** -- Consumer Product Safety Commission

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

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

**DSL** -- Domestic Substances List

**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

**GHS** -- United Nations Globally Harmonized System of Classification and Labeling of Chemicals

**HAP** -- Hazardous Air Pollutant

**IARC** -- International Agency for Research on Cancer

**ICdA** -- International Cadmium Association

**IRIS** -- Integrated Risk Information System

**ITC** -- Interagency Testing Committee

**mg/kg** -- Microgram per Kilogram of Body Weight

**MOU** -- Memorandum of Understanding

**NAICS** -- North American Industry Classification System

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

**NGO** -- Non-Governmental Organization

**NIC** -- Notice of Intent to Change

**NOC** -- Notice of Commencement

**NPRM** -- Notice of Proposed Rulemaking

**NTP** -- National Toxicology Program

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

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

**PAIR** -- Preliminary Assessment Information Rule

**ppm** -- Part Per Million

**RRDI** -- Rice Research and Development Institute

**TRI** -- Toxics Release Inventory

**TRI-MEweb** -- TRI Made Easy Web

**TSCA** -- Toxic Substances Control Act

**WHO** -- World Health Organization

**WTC** -- World Trade Center

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)