#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**January 28, 2014**[[1]](#footnote-1)

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

# NEW DEVELOPMENTS

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

Federal Issues

EPCRA Issues

EPA Revises Instructions For Completing Trade Secret Substantiation Form, page 5

EPA Announces Settlement Concerning Alleged Violations Of TRI Reporting Requirements, page 5

TSCA Issues

Elementis Appeals Penalty For Failure To Disclose Public Health Risks Under TSCA, page 5

EPA Requires Electronic Reporting Under Certain TSCA Sections, page 6

House Subcommittee Will Prioritize TSCA Reform Legislation In 2014, page 6

Miscellaneous Issues

ASTM Committee On Declarable Substances In Materials Will Meet In China In March, page 6

ATSDR Proposes State Surveillance Under The NTSIP, page 7

Consumer Wellness Center Finds Popular Breakfast Cereals Contain Low Levels Of Toxic Heavy Metals, page 7

IRIS Assessment

*EPA Cancels February Public Meeting*, page 8

OSHA Seeks Public Comment On Potential Revisions To PSM Standard, page 8

State Issues

IC2 Releases Alternatives Assessment Guide, page 8

*California*

CDTSC Announces New Green Ribbon Science Panel, page 9

*Hawaii*

Senate Bill Would Prohibit Use Of Packaging Containing Cadmium, page 9

*Kansas*

Fish Consumption Advisories Include Specific Locations Due To Cadmium, page 9

*Maine*

MDEP Extends Comment Period On Proposal Designating Cadmium As A Priority Chemical, page 10

*Minnesota*

MPCA Extends Comment Period For Triennial Standards Review, page 10

*Mississippi*

House Bill Would Ban Cadmium From Children’s Products, page 10

*New Jersey*

House Bill Would Prohibit Sale Of Children’s Products Containing Cadmium, page 11

*New York*

NYSDOH Considering Removing Threshold Reporting Level For Cadmium, page 11

Assembly Will Reconsider Bill Banning Sale Of Cadmium-Added Novelty Consumer Products, page 11

Assembly Bill Concerning Standards For Cadmium In Children’s Jewelry Referred To Committee, page 11

Assembly Bill Would Prohibit Cadmium In Children’s Products, page 12

Senate Bill Would Regulate Cadmium In Children’s Jewelry, page 12

*Oregon*

Senate Bill Would Require List Of High Priority Chemicals Of Concern For Children’s Health, page 12

*Vermont*

Senate Bill Would Require VDOH To Create List Of Chemicals Of High Concern, page 12

International Issues

EEC Expected To Adopt RoHS Regulation In Early 2014, page 13

China

China Releases National Resource-Based Cities Sustainable Development Plan, page 13

MEP Releases Draft Aquaculture Pollution Control Technology Policy, page 13

China Revises Emissions And Discharge Standards For Battery Manufacturers, page 14

China Will Halt Food Crop Production On Lands Contaminated With Heavy Metals, page 14

Hong Kong

CFS Follows Up On Study Finding Excessive Cadmium In Rice, page 14

Scientists From Developing Countries Learn How To Use An Artificial Mussel To Test Water Quality, page 15

Japan

Mitsui Mining Settles With Sufferers Of “Itai-Itai Disease,” page 15

Philippines

PCHRD Reports Results Of Study Finding Cadmium In Fruit Juice, page 15

Department Of Education Signs MOU With BAN Toxics Concerning “Fearsome Five,” page 16

EcoWaste Coalition Finds Toxic Metals, Including Cadmium, In Chinese New Year Lucky Charms, page 16

South Korea

South Korea Provides Information Concerning Implementation Of Korean REACH, page 16

KCMA Creates Online K-REACH Help Desk, page 17

Taiwan

Taiwan Promulgates Amendments To TCSCA, page 17

**FEDERAL ISSUES**

**EPCRA ISSUES**

**EPA Revises Instructions For Completing Trade Secret Substantiation Form**

EPA announced on January 14, 2014, that it has revised the instructions for completing the EPA trade secret substantiation form under EPCRA. Facilities that wish to claim trade secrets for chemicals reported under EPCRA are required to submit a substantiation to justify the claim of trade secrecy. At the time an EPCRA report is submitted, the submitter is required to provide responses to the six questions on the substantiation form, as well as certify the assertions made in the claim. The revised instructions are available at <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/epcra-trade-secret-forms-and-instructions>.

**EPA Announces Settlement Concerning Alleged Violations Of TRI Reporting Requirements**

EPA announced on January 16, 2014, that Superior Forge & Steel Corporation will pay a $61,673 penalty to settle alleged violations of TRI reporting requirements. According to EPA, Superior Forge & Steel Corporation did not submit timely annual reports for two toxic chemicals, chromium and lead, when the company processed these chemicals in amounts exceeding EPCRA reportable quantities (25,000 lbs. for chromium, 100 lb. for lead). According to EPA’s press release, EPA conducted the inspections after a review of TRI data indicated that there was a gap in the data submitted by the company. The TRI list of chemicals, which is available at <http://www2.epa.gov/toxics-release-inventory-tri-program/tri-chemical-list-ry-2012-including-toxic-chemical-categories>, includes **cadmium**.

**TSCA ISSUES**

**Elementis Appeals Penalty For Failure To Disclose Public Health Risks Under TSCA**

On November 14, 2013, EPA announced a November 12, 2013, administrative decision ordering Elementis Chromium, Inc. to pay a penalty of $2,571,800 for failing to disclose information about substantial risk of injury to human health from exposure to hexavalent chromium. Elementis filed an appeal on January 15, 2014, arguing that EPA brought the enforcement action in September 2010, which was beyond the five-year statute of limitations and that the judge erred in refusing to grant judgment to Elementis on that basis; and that the judge incorrectly concluded on the merits that the epidemiological report at issue was required to be submitted pursuant to TSCA Section 8(e). The November 12, 2013, administrative decision is available at <http://www.epa.gov/oalj/orders/2013/TSCA-HQ-2010-5022_ElementisChromium_13-11-12_ID_Biro.pdf>.

**EPA Requires Electronic Reporting Under Certain TSCA Sections**

EPA promulgated a final rule on December 4, 2013, amending certain TSCA reporting requirements to require the use of electronic reporting. EPA states that it is requiring the use of electronic reporting to minimize the paperwork burden associated with the underlying regulatory requirements and to minimize the cost to the federal government of the creation, collection, maintenance, use, dissemination, and disposition of information. The final rule amends the reporting requirements under TSCA Section 4 (including test rules and enforceable consent agreements), TSCA Section 5, TSCA Section 8(a) PAIR at 40 C.F.R. Part 712, and TSCA Section 8(d) health and safety data reporting rules at 40 C.F.R. Part 716. The final rule is effective **March 4, 2014**.

**House Subcommittee Will Prioritize TSCA Reform Legislation In 2014**

Representative John Shimkus (R-IL), Chair of the House Energy and Commerce Subcommittee on Energy and Power, stated on December 13, 2013, that the Subcommittee will prioritize TSCA reform legislation in **2014**. According to Shimkus, although he is drafting a bill, he hopes that the Senate Committee on Environment and Public Works will reach a deal allowing its bipartisan bill (S. 1009) to advance. Shimkus stated that if Senators David Vitter (R-LA) and Tom Udall (D-NM) reach a “finely tuned agreement” that addresses Committee Chair Barbara Boxer’s (D-CA) concerns, the House would not want to interfere with the bill’s progress. Until such a compromise is reached in the Senate, however, Shimkus is “working with Democrats to draft a piece of legislation.” According to Shimkus, “we could see something introduced in the spring with maybe movement in early summer.”

**MISCELLANEOUS ISSUES**

**ASTM Committee On Declarable Substances In Materials Will Meet In China In March**

ASTM Committee F40 on Declarable Substances in Materials will meet at the Thermo-Fisher facilities in Shanghai, China, on **March 10-13, 2014**. The meeting will include participation from 20 to 25 international technical committee experts representing global manufacturers of products that incorporate identified hazardous materials restricted by legislation. Committee F40 focuses on developing standards to test raw materials and assist with supply chain movement, and is intended to reduce the cost of compliance by allowing the entire supply chain to refer to the raw material purchase order to meet compliance. The current work of the committee is facilitated by Subcommittee F40.01 Test Methods, and its key standards include ASTM F2617, Test Method for Identification and Quantification of Chromium, Bromine, **Cadmium**, Mercury and Lead in Polymeric Material Using Energy Dispersive X-Ray Spectrometry. Registration information is available at <http://www.astm.org/MEETINGS/filtrexx40.cgi?+-P+MAINCOMM+F40+-P+EVENT_ID+2591+-P+MEETING_ID+88118+otherinfomain.frm>.

**ATSDR Proposes State Surveillance Under The NTSIP**

The December 26, 2013, *Federal Register* includes a proposal from ATSDR for the ongoing collection of information for the state surveillance system of the NTSIP. The notice states that the NTSIP information will be used to help prevent or reduce the harm caused by toxic substance incidents. The NTSIP has three components: a national database; state surveillance; and the response team. According to ATSDR, the main objectives of the information collection are to:

1. Describe toxic substance releases and the public health consequences associated with such releases within the participating states;

2. Identify and prioritize vulnerabilities in industry, transportation, and communities as they relate to toxic substance releases; and

3. Identify, develop, and promote strategies that could prevent ongoing and future exposures and resultant health effects from toxic substance releases.

The notice states that the NTSIP surveillance system will be incident-driven and will include all acute toxic substance incidents occurring within the participating states. Upon OMB approval, the participating states will include Alaska, California, Louisiana, Michigan, Missouri, New York, North Carolina, Oregon, Tennessee, Utah, and Wisconsin. More information regarding the NTSIP is available at <http://www.atsdr.cdc.gov/ntsip/>. Publication of the *Federal Register* notice began a 60-day comment period.

**Consumer Wellness Center Finds Popular Breakfast Cereals Contain Low Levels Of Toxic Heavy Metals**

On January 21, 2014, Consumer Wellness Center announced that a scientific study found that popular breakfast cereals “are relatively free of toxic heavy metals.” The study was based on atomic spectroscopy analysis using ICP-MS instrumentation to test for aluminum, mercury, arsenic, lead, and **cadmium**. The study is part of a joint effort between the Consumer Wellness Center and Natural News “to openly publish heavy metals test results for popular foods, groceries, herbs and dietary supplements.” The Consumer Wellness Center press release states:

“These findings indicate that popular cereals tested demonstrate remarkably low levels of toxic heavy metals in their composition,” explained lead scientist Mike Adams. “The concentration of metals detected in these cereals was consistently lower than what we are finding in herbs, superfoods or even many types of fresh produce.”

The Consumer Wellness Center press release is available at <http://www.consumerwellness.org/PR20.html>. A chart summarizing the results is available at <http://labs.naturalnews.com/Heavy-Metals-Popular-Breakfast-Cereals.html>.

**IRIS Assessment**

***EPA Cancels February Public Meeting***

On January 16, 2014, EPA announced that, in response to public comments made at the December bimonthly public meeting, it is canceling the **February 26-27, 2014**, meeting “to allow time to prepare additional materials that will promote more robust discussions at future public meetings.” EPA states that “[f]uture step-1 materials will include information about why EPA is undertaking an assessment and will include information about study methods and quality that would be important in subsequent assessment development.” According to EPA, these actions “should not delay the release of final IRIS assessments.”

**OSHA Seeks Public Comment On Potential Revisions To PSM Standard**

OSHA published in the December 9, 2013, *Federal Register* an RFI seeking public comment on potential revisions to its PSM standard, as well as other policy options intended to prevent major chemical incidents. The PSM standard applies mainly to manufacturing industries, particularly those pertaining to chemicals, transportation equipment, and fabricated metal products. In addition to comments on the PSM standard, OSHA seeks input on potential updates to its explosives and blasting agents, flammable liquids, and spray finishing standards, as well as potential changes to PSM enforcement policies. OSHA also asks for information and data on specific rulemaking and policy options, and the workplace hazards they address. OSHA states that it will use the information received in response to this RFI to determine what actions, if any, it may take. Comments are due **March 10, 2014**. More information is available at <https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=25194>.

**STATE ISSUES**

**IC2 Releases Alternatives Assessment Guide**

On January 8, 2014, IC2 announced the availability of the IC2 Alternatives Assessment Guide, which is intended to help businesses, governments, and interested parties evaluate alternatives to toxic chemicals in products. IC2 states that the guide “is designed help create safer products and reduce the impact that chemicals have on human health and the environment.” According to IC2, the guide is built on the alternatives assessment process pioneered by EPA’s Design for the Environment Program. More information is available at <http://www.newmoa.org/prevention/ic2/aaguidance.cfm>.

***California***

**CDTSC Announces New Green Ribbon Science Panel**

On January 15, 2014, CDTSC announced that it appointed 15 members to serve on the reconstituted Green Ribbon Science Panel. Biographical information for the members is available at <http://www.dtsc.ca.gov/SCP/GRSPMembers.cfm>. A webinar meeting of the panel will be held on **January 29, 2014**, to brief the panel on informational and background materials to advise CDTSC in upcoming meetings. More information regarding the meeting is available at <http://www.dtsc.ca.gov/SCP/GRSPUpcomingMeetings.cfm>.

***Hawaii***

**Senate Bill Would Prohibit Use Of Packaging Containing Cadmium**

On January 17, 2014, a bill (S.B. 2573) was introduced in the Senate concerning infant and toddler safety. The bill would prohibit the manufacture, sale, or distribution of child care products and toys for young children that contain BPA or phthalates; require manufacturers to choose safe alternatives; and prohibit the use of packages and packaging containing lead, **cadmium**, mercury, and hexavalent chromium beginning **January 1, 2015**. A hearing on the bill was scheduled for January 27, 2014.

***Kansas***

**Fish Consumption Advisories Include Specific Locations Due To Cadmium**

KDHE and KDWPT released on January 2, 2014, revised fish consumption advisories for 2014. The advisories identify types of fish or other aquatic animals that should be eaten in limited quantities or, in some cases, avoided altogether because of contamination. KDHE and KDWPT state that they are providing general advice and internet resources “to aid the public in making informed decisions regarding the benefits as well as the risks associated with eating locally caught fish from Kansas waters.” The water body specific advisories, which list locations from which Kansas recommends not eating specified fish or aquatic life, include:

* The Spring River from the confluence of Center Creek to the Kansas/Oklahoma border (Cherokee County); shellfish because of lead and **cadmium**; and
* Shoal Creek from the Missouri/Kansas border to Empire Lake (Cherokee County); shellfish because of lead and **cadmium**.

The press release is available at <http://www.kdheks.gov/news/web_archives/2014/01022014a.htm>.

***Maine***

**MDEP Extends Comment Period On Proposal Designating Cadmium As A Priority Chemical**

MDEP rescheduled the public hearing on its proposed rules that would elevate four chemicals on the list of chemicals of high concern, including **cadmium**, to priority status. The public hearing was held January 14, 2014. MDEP also extended the comment period on the proposed rules. Comments are now due **January 31, 2014**. More information is available at <http://www.maine.gov/dep/rules/>.

***Minnesota***

**MPCA Extends Comment Period For Triennial Standards Review**

MPCA has extended until **January 28, 2014**, the comment period on the need for amendments and revisions to rules governing state water quality standards. According to MPCA’s November 12, 2013, announcing the triennial standards review, MPCA is considering adding or revising a number of water quality standards “based on EPA 304(a) Ambient Water Quality Criteria or any other EPA criteria published since 2004.” Specific pollutants under consideration include **cadmium**. A September 2012 draft technical support document for **cadmium** is available at <http://www.pca.state.mn.us/index.php/view-document.html?gid=14923>. More information is available at <http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-rulemaking/water-quality-standards.html#2013-triennial-standards-review>.

**MDH Selects Cadmium For Review Under Drinking Water Contaminants Of Emerging Concern Program**

There is no new publicly available information to report regarding MDH’s selection of **cadmium** for review under its Drinking Water Contaminants of Emerging Concern Program. More information is available at <http://www.health.state.mn.us/divs/eh/risk/review/> and in our November 28, 2013, Update.

***Mississippi***

**House Bill Would Ban Cadmium From Children’s Products**

On January 13, 2014, H.B. 144 was introduced in the House. Under the bill, beginning **July 1, 2014**, no manufacturer, wholesaler, or retailer would be allowed to manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children’s product or product component containing certain substances, including **cadmium** at more than .004 percent by weight (40 ppm).

***New Jersey***

**House Bill Would Prohibit Sale Of Children’s Products Containing Cadmium**

On January 16, 2014, a bill (A.B. 626) was introduced in the Assembly that would prohibit the sale, distribution, import, or manufacture of any children’s product intended for use by a child under the age of six years that contains, is composed of, or is made with lead, mercury, or **cadmium**. The bill was referred to the Assembly Committee on Consumer Affairs.

***New York***

**NYSDOH Considering Removing Threshold Reporting Level For Cadmium**

The January 8, 2014, *New York State Register* includes the regulatory agenda for the NYSDOH. The agenda lists regulatory actions under consideration for submission as an NPRM from **January-June 2014**, including:

Reportable Levels of Heavy Metals in Blood and Urine -- Amend the regulation to remove the threshold levels for reporting **cadmium**, mercury and arsenic. All laboratory tests for **cadmium**, mercury and arsenic will be submitted to enable case monitoring to assist in assessing interventions and education to reduce elevated exposures.

**Assembly Will Reconsider Bill Banning Sale Of Cadmium-Added Novelty Consumer Products**

On January 8, 2014, A.B. 4822 was recalled from the Senate and returned to the Assembly. The bill 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**.

**Assembly Bill Concerning Standards For Cadmium In Children’s Jewelry Referred To Committee**

On January 8, 2014, A.B. 5615 was referred to the Assembly Committee on Health. The bill, which was introduced on March 4, 2013, would direct the Commissioner of Health to establish standards concerning **cadmium** in children’s jewelry.

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

On January 8, 2014, A.B. 6283 was referred to the Assembly Committee on Environmental Conservation. On January 15, 2014, the enacting clause was stricken. The bill, which was introduced on March 25, 2013, would prohibit the sale of a children’s product in which any **cadmium** has been intentionally introduced as an element during manufacturing or distribution.

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

On January 8, 2014, S.B. 854 was referred to the Senate Committee on Health. The bill, which was introduced on January 9, 2013, would regulate **cadmium** in substrate in children’s jewelry and provide that no children’s jewelry shall be sold or distributed that contains **cadmium** in accessible metal or plastic substrate components exceeding certain levels. The bill would take effect one year after becoming law.

***Oregon***

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

On January 24, 2014, S.B. 1569 was prefiled. The bill would require the OHA to establish and 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 ODEQ’s Toxics Focus List and the WDOE’s List of Chemicals of High Concern to Children. **Cadmium** is included on both lists. Manufacturers of certain children’s products would be required to provide notice regarding chemicals on the list. The first reading is scheduled for **February 3, 2014**.

**Vermont**

**Senate Bill Would Require VDOH To Create List Of Chemicals Of High Concern**

On January 7, 2014, a bill (S.B. 239) was introduced that would require VDOH to identify and publish a list of chemicals of high concern. VDOH would designate a chemical as one of high concern if certain conditions are met. In creating the list of chemicals of high concern, VDOH may also consider designations made by other states, the federal government, other countries, or other governmental agencies. The bill would require a manufacturer of a consumer product containing a chemical of high concern to notify the Commissioner of Health of the use of the chemical in the product and to replace the chemical with a safer alternative. If a manufacturer fails to replace the chemical of high concern in the consumer product or fails to obtain a waiver, the bill would prohibit the sale of that consumer product.

**INTERNATIONAL ISSUES**

**EEC Expected To Adopt RoHS Regulation In Early 2014**

According to a spokesperson for the EEC, the EEC, which includes Russia, Kazakhstan, and Belarus, intends to adopt a RoHS regulation in the first quarter of **2014**. The EEC Member States are working out differences on the scope of restrictions and on the limits for controlled substances. Observers state that Russia and Belarus support a regulation close to the EU RoHS Directive, while Kazakhstan wants less restrictive measures. Once the EEC adopts the RoHS regulation, Member States must transpose the regulation into their national legislation.

**CHINA**

**China Releases National Resource-Based Cities Sustainable Development Plan**

On December 3, 2013, the State Council announced the National Resource-Based Cities Sustainable Development Plan (2013-**2020**), which will emphasize resource conservation and environmental protection rather than production goals when evaluating the performance of local officials. The plan includes 262 cities whose local economies rely heavily on extraction or processing of mineral resources. The plan targets resource conservation and efficiency of use, increasing resource productivity, improvements in environmental quality, and remediation of areas with extensive environmental problems. Cities will be designated as growing (31), mature (141), declining (67), or regenerating (23). Each category will be assigned a set of actions and requirements. During the December 3, 2013, news conference, a spokesperson stated that changes would be made to the tax system to encourage resource conservation and environmental protection, including environmental and resource taxes, and funding mechanisms will be established to help pay for cleaning up environmental damage. Certain cities in the regeneration category will be in line for “key heavy metal pollution pilot projects” to help remediate problems. The plan is available, in Chinese, at <http://www.gov.cn/zwgk/2013-12/03/content_2540070.htm>.

**MEP Releases Draft Aquaculture Pollution Control Technology Policy**

The MEP released on December 24, 2013, a draft aquaculture pollution control technology policy intended to reduce water pollution at aquaculture sites and surrounding bodies of water by better controlling the use of drugs and chemicals in the fish-breeding process, as well as wastewater discharges from fish farms. The Legal Daily, which is under the guidance of the Ministry of Justice reported on December 25, 2013, that MEP officials indicated that approximately 50 percent of the water in China’s seven major river systems is not fit for aquaculture due to pollution, with heavy metals such as **cadmium**, arsenic, copper, and lead being the major contributors.

**China Revises Emissions And Discharge Standards For Battery Manufacturers**

On December 27, 2013, China released revised air, wastewater and solid waste emissions and discharge standards for a number of industries, including battery manufacture. The new standards for battery manufacturing tighten controls on airborne emissions and wastewater discharges of lead, mercury, **cadmium**, nickel, zinc, magnesium, and silver. New and existing battery producers will have to comply with their new standards by **March 1, 2015**. More information regarding the new standard is available, in Chinese, at <http://www.mep.gov.cn/gkml/hbb/qt/201312/t20131227_265763.htm>.

**China Will Halt Food Crop Production On Lands Contaminated With Heavy Metals**

Chen Xiwen, Deputy Head of the Central Rural Work Leading Group, stated on January 22, 2014, that China is working on strengthening the process for disallowing production of food crops on lands contaminated with heavy metals. According to Chen, China has approximately eight million acres of farmland that are moderately or heavily contaminated by pollution to the point where they should not be used to produce food crops. Not all the pollution is from heavy metals, however, and officials are still evaluating the extent of the heavy metal contamination. The Ministry of Land and Resources held a news briefing on December 30, 2013, in which it stated that all the contamination was due to heavy metals. Chen stated that while the government will halt the planting of food crops on those contaminated lands, other non-food crops, such as cotton, could be planted, or the lands could be turned to forest or grassland. China intends to begin pilot remediation projects on some of the polluted lands.

**HONG KONG**

**CFS Follows Up On Study Finding Excessive Cadmium In Rice**

CFS announced on December 16, 2013, that it is following up on a study conducted by the Consumer Council in which three rice samples were detected with **cadmium** levels exceeding the legal limit. A CFS spokesperson stated: “Upon receiving notification from the Consumer Council earlier, the CFS staff have conducted checks on major retail outlets and found one of the samples available for sale in one local outlet. Tests for metallic contamination (including **cadmium**) were conducted on the sample collected. Surveillance results found that **cadmium** level in the concerned sample was 0.28 parts per million (ppm), exceeding the legal limit of 0.1 ppm.” The CFS issued warning letters to the retailer and the distributor concerned and ordered them to suspend sale of the affected batch of the product. According to the spokesperson, appropriate law enforcement action will also be taken. The spokesperson stated that the CFS has been conducting regular surveillance on the **cadmium** level in rice and rice products. The CFS takes food samples at import, wholesale, and retail levels for testing. From 2010 to November 2013, the CFS took approximately 170 rice samples for testing of metallic contaminants (including **cadmium**). Surveillance results found that the **cadmium** levels in all the samples tested were in compliance with the legal requirements.

**Scientists From Developing Countries Learn How To Use An Artificial Mussel To Test Water Quality**

Under a two-month “training the trainers” scheme supported by the UN and the International Atomic Energy Agency, scientists from Tunisia, Tanzania, Ghana, Thailand, and the Philippines are in Hong Kong to learn how to make their own mussels, produce contaminant analyses, and then share their knowledge. The artificial mussel was created in Hong Kong in 2002 to produce new methods of testing for heavy metal pollution. The artificial mussel is a small plastic cylinder that tests the levels of mercury, **cadmium**, chromium, copper, lead, and zinc in marine waters.

**JAPAN**

**Mitsui Mining Settles With Sufferers Of “Itai-Itai Disease”**

On December 17, 2013, Mitsui Mining & Smelting Co. reached a settlement with sufferers of **cadmium** poisoning, also known as “Itai-Itai Disease.” The disease developed among people living along the Jinzu River in Toyama Prefecture, and was officially designated for the first time in Japan as a pollution disease in May 1968. Under the settlement, Mitsui Mining will pay a lump sum of 600,000 yen to each of those who have suffered from kidney trouble caused by **cadmium** poisoning but are not designated as sufferers of the disease under Japan’s criteria. Mitsui will also pay compensation to the group of sufferers and apologize. Mitsui Mining, which operated zinc, lead, and silver mines, discharged **cadmium**-polluted water into the Jinzu River, exposing residents along the river to **cadmium** through drinking water and polluted rice. A total of 196 people have been designated as sufferers of the disease, of whom three are still alive. Between 500 to 600 people are believed to be entitled to receive the latest lump sums.

**PHILIPPINES**

**PCHRD Reports Results Of Study Finding Cadmium In Fruit Juice**

PCHRD posted an article on December 12, 2013, entitled “Heavy metals detected in fruit juices and condiments,” which states that “[a]fter investigating metal content of 17 fruit juices, five bottled iced teas, and 18 condiment samples from a local supermarket, researchers detected **cadmium** and lead in fruit juices and condiment samples but not in tea samples.” The study was a collaboration of the University of the Philippines Diliman’s Natural Sciences Research Institute, Institute of Chemistry, and Department of Food Science and Nutrition. The PCHRD article is available at <http://www.pchrd.dost.gov.ph/index.php/2012-05-23-07-46-36/r-d-updates/6411-heavy-metals-detected-in-fruit-juices-and-condiments>.

**Department Of Education Signs MOU With BAN Toxics Concerning “Fearsome Five”**

The Department of Education and BAN Toxics signed an MOU on January 17, 2014, intended to establish awareness of toxic chemicals in the school environment and make schools safe for children through various awareness campaigns. The information campaign will highlight the “Fearsome Five” toxic substances that might be present in schools: mercury, lead, **cadmium**, asbestos, and arsenic. The Department of Education states:

The “Fearsome Five” pose serious health risks to children. These harmful substances are present in some items and materials normally used by children such as crayons, markers and school bags. They also hide in furniture and wall paints, lights, fixtures, cleaning materials and the like, possibly exposing children to harm on a daily basis.

The information will be disseminated through teachers’ trainings, forums, lectures, exhibits, and student activities. More information is available at <http://www.gov.ph/2014/01/17/deped-ban-toxics-sign-up-for-toxic-free-schools/>.

**EcoWaste Coalition Finds Toxic Metals, Including Cadmium, In Chinese New Year Lucky Charms**

EcoWaste Coalition announced on January 26, 2014, that feng shui amulets and charms intended to deflect negative chi and draw good health and wealth during the Year of the Wooden Horse “are ironically loaded with hazardous substances.” According to EcoWaste Coalition, they found excessive levels of toxic metals in 42 out of 50 samples, including **cadmium** up to 12,900 ppm in four samples. More information is available at <http://ecowastecoalition.blogspot.com/2014/01/ecowaste-coalition-questions-use-of.html>.

**SOUTH KOREA**

**South Korea Provides Information Concerning Implementation Of Korean REACH**

During a December 27, 2013, MOE hearing, officials stated that the draft secondary legislation, which will include a presidential and ministerial decree, will be issued later in **January 2014**. The first batch of existing substances that will be subject to registration, which will include fewer than 500 chemicals, will be announced by **October 2014**. South Korea will announce every three years existing substances subject to registration, and manufacturers and importers will have three years to submit their registrations.

**KCMA Creates Online K-REACH Help Desk**

KCMA has created an online K-REACH Help Desk, which includes information in both Korean and English. The help desk includes information regarding substances subject to registration. Other sections of the website, such as the K-REACH Joint Registration Support System and Test Data Trading System, are still in preparation. The help desk is available at <http://www.kreach.or.kr/eng/main/main.asp>.

**TAIWAN**

**Taiwan Promulgates Amendments To TCSCA**

On December 11, 2013, President Ma Ying-jeou promulgated legislation amending the TCSCA. On November 22, 2013, the national legislature unanimously approved the amendments, which revised 17 articles and created a system for the registration, evaluation, and control of chemicals. According to an Environmental Protection Administration statement, the amended TCSCA will require companies that want to manufacture or import chemicals designated as priority chemicals to submit applications for registration. The applications would need to include information on the plans for production or importation, physico-chemical properties, and evaluation of toxicity and risk. Companies can produce or import such substances only after the Environmental Protection Administration approves their applications. Implementation of the TCSCA is scheduled to coincide with the formation of the Ministry of Natural Resources and Environmental Protection, which will include a chemicals and pollution control agency. The Ministry will replace the Environmental Protection Administration. The Environmental Protection Administration is preparing to formulate regulations implementing the amended TCSCA, including:

* Rules for the registration and regulation of chemical substances;
* Enforcement rules for the regulation of toxic chemical substances;
* Regulations for the review and determination of Class 4 toxic chemical substances;
* Rules for the commissioning of the examination of chemical substance registration applications;
* Regulations on the disclosure and storage of substance safety data; and
* Regulations for the setting of standards for fees for application to the transport of toxic chemicals and for the management of toxic chemical substance disaster emergency vehicles (to be drafted jointly with the Ministry of Transportation and Communications).

While the revised TCSCA does not include provisions for an Only Representative system, an Environmental Protection Administration spokesperson stated that registration applications for new chemical substances for production or import could be submitted by any domestically registered legal body or corporation. According to the spokesperson, the regulations will provide for the submission of joint applications by several producers or importers to reduce the burden of the registration and evaluation fees. The President’s December 11, 2013, press release is available, in Chinese, at <http://www.president.gov.tw/Default.aspx?tabid=131&itemid=31391&rmid=514>. The Ministry of Justice has published an unofficial English translation of the amended TCSCA, which is available at <http://law.moj.gov.tw/ENG/news/news_getfile.ashx?id=5071>.

\* \* \* \* \*

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

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

**BPA** -- Bisphenol-A

**CDTSC** -- California Department of Toxic Substances Control

**C.F.R.** -- Code of Federal Regulations

**CFS** -- Centre for Food Safety

**EEC** -- Eurasian Economic Commission

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

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

**IC2** -- Interstate Chemicals Clearinghouse

**ICdA** -- International Cadmium Association

**IRIS** -- Integrated Risk Information System

**KCMA** -- Korea Chemicals Management Association

**KDHE** -- Kansas Department of Health and Environment

**KDWPT** -- Kansas Department of Wildlife, Parks and Tourism

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

**MDH** -- Minnesota Department of Health

**MEP** -- Ministry of Environmental Protection

**MOE** -- Ministry of Environment

**MPCA** -- Minnesota Pollution Control Agency

**NPRM** -- Notice of Proposed Rulemaking

**NTSIP** -- National Toxic Substance Incidents Program

**NYSDOH** -- New York State Department of Health

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

**OHA** -- Oregon Health Authority

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

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

**PAIR** -- Preliminary Assessment Information Rule

**PCHRD** -- Philippine Council for Health Research and Development

**ppm** -- Part Per Million

**PSM** -- Process Safety Management

**REACH** -- Registration, Evaluation, Authorization and Restriction of Chemicals

**RFI** -- Request for Information

**TCSCA** -- Toxic Chemical Substances Control Act

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**UN** -- United Nations

**WDOE** -- Washington Department of Ecology

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