#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**May 28, 2015**[[1]](#footnote-1)

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

# NEW DEVELOPMENTS

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

Federal Issues

RCRA Issues

EPA Promulgates Final Rule Concerning Disposal Of CCRs From Electric Utilities, page 4

TSCA Issues

EPA Proposes TSCA Section 8(a) Rule For Certain Chemical Substances When Manufactured Or Processed At The Nanoscale; Cadmium Listed As Possible Nanomaterial, page 5

Shimkus Releases Discussion Draft Of TSCA Reform Legislation, House Subcommittee Holds Hearing, page 5

EPA Publishes CDR Fact Sheets, page 7

Senate Committee Holds Markup And Passes Bipartisan Substitute Bill, page 7

Miscellaneous Issues

ATSDR Seeks Comment On Proposed Substances To Be Evaluated For Set 29 Toxicological Profiles, page 9

CDC Invites Comment On Proposed Information Collection Concerning Metal And Nonmetal Miner Health Program, page 9

National Strategic And Critical Minerals Production Act Of 2015 Introduced In House, page 9

Senate Committee Passes Secret Science Reform Act, page 11

Senate Committee Holds Hearing On American Mineral Security Act of 2015, page 11

Democrats Request Information On Safety Of Mine Tailings Dams, page 11

NIOSH Publishes Article On Metal And Nonmetal Miner Health, page 12

OSHA Seeks Comment On Extending OMB’s Approval Of Collection Of Information Requirements In The Cadmium In Construction Standard, page 12

NGO Sues SEC Over Delay In Issuing Resource Extraction Disclosure Rule, page 13

NGO Calls For USDA To Halt Import Of Apples From China, page 14

State Issues

EWG Claims States Lead In Protecting Kids From “Toxic Cadmium” In Jewelry, page 14

*California*

Attorney General Issues Guide For Companies To Comply With The California Transparency In Supply Chains Act, page 15

CDTSC Announces Final PP Work Plan, page 15

*Connecticut*

House Passes Bill Implementing Recommendations Of The Task Force On Cadmium In Children’s Jewelry, page 16

*Florida*

House And Senate Bills Concerning List Of Chemicals Of High Concern Die In Committee, page 17

*Massachusetts*

Bill Would Address Safer Alternatives To Toxic Chemicals, page 17

*New York*

Bill Would Amend Public Health Law Relating To The Sale Of Children’s Jewelry Containing Cadmium, page 17

Bill Would Regulate Toxic Chemicals In Pet Products, page 17

Westchester County Passes Children's Product Safety Act, page 18

Federal Judge Grants Motion To Stay Albany County’s Toxic-Free Toys Act, page 18

Rockland County Will Hold Public Hearing On Bill Concerning Toxic Chemicals In Toys, page 18

*Oregon*

ODEQ Releases Report Examining Toxic Chemicals In State Waters, page 19

Senate Bill Would Require OHA To Establish List Of Designated High Priority Chemicals Of Concern, page 19

NGO Sues EPA For Failing To Promulgate Water Quality Criteria For Pollutants, Including Cadmium, page 19

*Washington*

Senate Committees Pass Bill That Would Use Chemical Action Plans To Require Safer Chemicals, page 20

Senate Committee Passes Substitute Bill Concerning The Use Of Chemical Action Plans, page 21

WDOH To Evaluate Whether ASTM Standard Adequately Protects Children From Exposure To Cadmium In Children’s Jewelry, page 22

Bills Concerning Cadmium In Children’s Jewelry Reintroduced And Retained, page 23

International Issues

Canada

Participants Needed For Study Of Newcomer Women And Developmental Toxicants, page 23

China

MIIT Releases Draft RoHS 2 For Public Comment, page 24

India

Ground Water Contaminants Include Cadmium, page 25

Russia

Peanut Imports From The U.S. Banned Due To Cadmium Content, page 25

South Korea

Researchers Find Artificial Lawns At 174 Schools Contaminated, page 25

Taiwan

Draft List Of Priority Management Chemical Substances Includes Cadmium And Cadmium Compounds, page 26

**FEDERAL ISSUES**

**RCRA ISSUES**

**EPA Promulgates Final Rule Concerning Disposal Of CCRs From Electric Utilities**

On April 17, 2015, EPA promulgated a final rule regulating the disposal of CCRs as solid waste under RCRA Subtitle D. EPA states that the regulations address the risks from coal ash disposal -- leaking of contaminants into ground water, blowing of contaminants into the air as dust, and the catastrophic failure of coal ash surface impoundments. Additionally, the rule sets out recordkeeping and reporting requirements, as well as the requirement for each facility to establish and post specific information to a publicly-accessible website. The final rule also supports the responsible recycling of CCRs by distinguishing safe, beneficial use from disposal. The chemical constituents evaluated in the CCR risk assessment include **cadmium**. According to the final rule, current management practice of placing CCR waste in surface impoundments and landfills poses risks to human health and the environment in the range that OSWER typically regulates. The final rule states that, on a national scale, surface impoundments present higher risks than landfills. EPA identified risks to ecological receptors from exposures to aluminum, arsenic, barium, beryllium, boron, **cadmium**, chloride, chromium, selenium and vanadium through direct exposure to impoundment wastewater. EPA identified risks to residential receptors primarily from exposures to arsenic and molybdenum in ground water used as a source of drinking water, but also identified additional risks from boron, **cadmium**, cobalt, fluoride, mercury and thallium for specific subsets of national disposal practices. **Cadmium** is listed In Appendix IV, constituents for assessment monitoring.

**TSCA ISSUES**

**EPA Proposes TSCA Section 8(a) Rule For Certain Chemical Substances When Manufactured Or Processed At The Nanoscale; Cadmium Listed As Possible Nanomaterial**

On April 6, 2015, EPA published in the *Federal Register* a proposed TSCA Section 8(a) rule concerning reporting and recordkeeping requirements for certain chemical substances when manufactured or processed at the nanoscale. EPA proposes to require persons that manufacture or process these chemical substances to report electronically to EPA certain information, including the specific chemical identity, production volume, methods of manufacture and processing, exposure and release information, and existing data concerning environmental and health effects. EPA also proposes to require any persons who intend to manufacture or process chemical substances as discrete nanoscale materials after the effective date of the final rule to notify EPA of the same information at least 135 days before the intended date of commencement of manufacture or processing. The supporting materials in the rulemaking docket include a [list of chemical substances that could be nanomaterials](http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2010-0572-0025). The 85-page list includes **cadmium** and a number of **cadmium compounds**. Comments on the proposed rule are due **July 6, 2015**. More information is available in B&C®’s March 25, 2015, memorandum, “[EPA Proposes Reporting and Recordkeeping Requirements for Nanoscale Materials](http://www.lawbc.com/regulatory-developments/entry/tsca-epa-proposes-reporting-and-recordkeeping-requirements-for-nanoscale-ma),” and April 8, 2015, memorandum, “[EPA Opens Docket for Proposed TSCA Section 8(a) Rule for Nanomaterials](http://www.lawbc.com/regulatory-developments/entry/tsca-epa-opens-docket-for-proposed-tsca-section-8a-rule-for-nanomaterials).”

EPA will hold a public meeting to discuss the proposed rule. EPA intends the public meeting to provide an opportunity for further discussion of the proposed requirements and the meeting is intended to facilitate comments on all aspects of that proposed rule. The meeting will be held on **June 11, 2015**. Requests to participate in the meeting must be received by **June 1, 2015**.

**Shimkus Releases Discussion Draft Of TSCA Reform Legislation, House Subcommittee Holds Hearing**

On April 7, 2015, Representative John Shimkus (R-IL), Chair of the House Energy and Commerce Subcommittee on Environment and the Economy, released a [discussion draft](http://docs.house.gov/meetings/IF/IF18/20150414/103313/BILLS-114pih-HR__TSCAModernizationActof2015.pdf) of the TSCA Modernization Act of 2015. In the previous Congress, Shimkus introduced first a discussion draft of the Chemicals in Commerce Act, and then a revised discussion draft of the bill. In addition, Shimkus held “countless” hearings concerning TSCA reform. Memoranda summarizing these earlier bills and hearings are available on B&C’s [website](http://www.lawbc.com/regulatory-developments/tsca-reform). According to the Subcommittee’s April 7, 2015, [press release](http://energycommerce.house.gov/press-release/shimkus-upton-pallone-back-effort-improve-chemical-safety), the discussion draft “builds off the subcommittee’s work to reform chemical management last Congress and further bipartisan negotiations this year.” A detailed analysis of the discussion draft is available in B&C’s April 9, 2015, memorandum, [Shimkus Releases Discussion Draft of TSCA Reform Legislation](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-shimkus-releases-discussion-draft-of-tsca-reform-legislation).

The Subcommittee held a hearing on the discussion draft on April 14, 2015. A summary of the hearing is available in B&C’s April 14, 2015, memorandum, [House Subcommittee Holds Hearing on TSCA Modernization Act](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-house-subcommittee-holds-hearing-on-tsca-modernization-act). On May 14, 2015, the Subcommittee held a [markup](http://energycommerce.house.gov/markup/markup-tsca-modernization-act) of a revised discussion draft of the bill, prepared by Shimkus and released on May 12, 2015. The May 12, 2015, [press release](http://energycommerce.house.gov/press-release/committee-releases-bipartisan-tsca-modernization-act-markup-week) announcing the revised discussion draft and markup emphasizes the bipartisan nature of the bill, which is supported by Shimkus, Subcommittee Ranking Member Paul Tonko (D-NY), Committee Chair Fred Upton (R-MI), and Ranking Member Frank Pallone, Jr. (D-NJ). The May 12, 2015, [fact sheet](http://energycommerce.house.gov/fact-sheet/tsca-modernization-act) regarding the revised discussion draft includes a summary of its provisions. According to the summary, the revised discussion draft would:

* Provide EPA the tools to ensure chemicals in commerce are safe for consumers;
* Create a new system for EPA to evaluate and manage risks associated with chemicals already on the market;
* Set deadlines for EPA to take action;
* Ensure user fees paid to EPA for specific purposes are used just for those purposes;
* Provide limited preemption of state law; and
* Maintain CBI protection.

Tonko offered an amendment that would make several technical changes that had been worked out with Republicans before the hearing. Tonko did not provide any details regarding the amendment. Shimkus stated that the amendment clarifies but does not change the policy of the bill. Under the amendment, state preemption would not include preemption for state tort laws. The Subcommittee passed the amendment by a voice vote. The Subcommittee then unanimously passed the amended revised discussion draft by a roll call vote. More information regarding the hearing is available in B&C’s May 14, 2015, memorandum, [House Subcommittee Holds Markup of Revised Draft TSCA Bill and Passes Amended Draft](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-house-subcommittee-holds-markup-of-revised-draft-tsca-bill-and). An in-depth analysis of the revised discussion draft is available in B&C’s May 20, 2015, memorandum, [Detailed Review of Representative Shimkus' Second Discussion Draft of TSCA Reform Legislation](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-detailed-review-of-representative-shimkus-second-discussion-dra). On May 26, 2015, Shimkus formally introduced his bill (H.R. 2576). The bill was referred to the House Energy and Commerce Committee.

**EPA Publishes CDR Fact Sheets**

EPA published on April 9, 2015, the following fact sheets:

* [Reporting Thresholds for 2016](http://www.epa.gov/cdr/pubs/guidance/fact_sheet_reporting_thresholds_for_2016.html): This fact sheet provides guidance for persons who may be subject to the CDR rule and information about regulatory reporting thresholds that are applicable to the **2016** reporting period. For **2016**, manufacturers must consider production volume from 2012-2015, as well as the effect of certain TSCA actions on certain reporting thresholds when determining whether they need to report; and
* [Chemical Substances which are the Subject of Certain TSCA Actions](http://www.epa.gov/cdr/pubs/guidance/chemical_substances_which_are_the_subject_of_certain_tsca_actions.html): This fact sheet provides guidance for people who may be subject to the CDR rule on how their requirements for reporting for **2016** may be affected when chemical substances are the subject of certain TSCA actions. For **2016**, manufacturers must consider the effect of certain TSCA actions on reporting thresholds when determining whether they need to report. And as in 2012, manufacturers of chemicals subject to certain TSCA actions may not be eligible for some of the exemptions which reduce or eliminate reporting requirements.

EPA states that the primary goal of these fact sheets is to help the regulated community comply with the requirements of the CDR rule. The fact sheets do not substitute for that rule, nor is either a rule itself. The fact sheets do not impose legally binding requirements on the regulated community or on EPA.

**Senate Committee Holds Markup And Passes Bipartisan Substitute Bill**

On April 28, 2015, the Senate Committee on Environment and Public Works held a [hearing](http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=3eae7787-b182-be85-c483-bdd391e4302b) to consider several bills, including the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697). Prior to the hearing, on April 27, 2015, Senators Tom Udall (D-NM), Sheldon Whitehouse (D-RI), Jeff Merkley (D-OR), and Cory Booker (D-NJ) [announced](http://www.tomudall.senate.gov/?p=press_release&id=1941) a bipartisan compromise agreement intended to strengthen protections under S. 697, while expanding states’ authority. During the hearing, Senator David Vitter (R-LA) introduced the compromise bill as a substitute through a manager’s amendment, which was passed by the Committee and favorably reported to the Senate Floor. Vitter issued a [press release](http://www.vitter.senate.gov/newsroom/press/vitter-announces-bipartisan-supported-tsca-reform-passes-through-epw-committee) announcing passage of the substitute bill and highlighting improvements. The substitute:

* Strikes a compromise on one of the most controversial issues, and that is the high priority preemption. The amendment balances the need for businesses to maintain certainty while allowing states to play an important role in protecting public health and the environment;
* Allows for state co-enforcement of regulations at a state level for regulations that are currently consistent with TSCA;
* Requires that, for the purposes of TSCA submissions to EPA, industry look at available alternatives to animal testing;
* Provides clarification that state clean air and water laws are not preempted; and
* Includes other clarifying changes regarding CBI, articles, and other provisions.

More information regarding the hearing and the substitute bill is available in B&C’s April 29, 2015, memorandum, [Senate Committee Holds Markup and Passes Bipartisan Substitute Bill](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-senate-committee-holds-markup-and-passes-bipartisan-substitute). A detailed analysis of the substitute bill is available in B&C’s May 6, 2015, memorandum, [Detailed Analysis of Substitute Version of Frank R. Lautenberg Chemical Safety for the 21st Century Act](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-detailed-analysis-of-substitute-version-of-frank-r-lautenberg).

In a May 7, 2015, [press release](http://www.epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases&ContentRecord_id=e0b7b2f5-b06c-1f6a-79a1-681a1c1ebbfb&Region_id=&Issue_id=), Senator Jim Inhofe (R-OK), Chair of the Senate Environment and Public Works Committee, and Whitehouse announced that they would “stand together to ensure that an open amendment process to the TSCA reform legislation would serve to move the bill forward and on to the U.S. House of Representatives, instead of getting stalled or stopped due to controversial provisions.” Inhofe acknowledged that there “are going to be a lot of amendments.” While he does not always agree with Whitehouse, given that they agree that TSCA reform is a “top priority,” he does not think “unfriendly amendments are going to get very far on this. We have gone through a process [with the bill] that is going to make that a lot easier to become a reality and be sent over to the House.” Whitehouse stated: “One of the ways in which the Senate worked in the good old days, when the Senate worked, was that when a bill came to the floor, the cosponsors and the floor managers would stick together on votes that were likely to tear the underlying agreement apart. So you saw people on both sides of the aisle voting against amendments that they otherwise would be ardent supporters of, and indeed even cosponsors of, because they had an agreement to stand with one another and make sure this bill got through. I hope that is the kind of process we can get to when we get to the floor.” Vitter stated in a May 22, 2015, column that he “hope[s] to move the bill out of the relevant Senate committee in the next few weeks.”

**MISCELLANEOUS ISSUES**

**ATSDR Seeks Comment On Proposed Substances To Be Evaluated For Set 29 Toxicological Profiles**

On April 1, 2015, ATSDR published a *Federal Register* notice requesting comment on the proposed substances to be evaluated for its 29th set of Toxicological Profiles. ATSDR will evaluate the substances on the [2013 Priority List of Hazardous Substances](http://www.atsdr.cdc.gov/SPL/) for Toxicological Profile development, which was announced on May 28, 2014. The Priority List of Hazardous Substances includes 275 substances, including **cadmium** (7). ATSDR requests public nominations from the Priority List. ATSDR will also consider the nomination of any additional, non-CERCLA substances. Nominations were due April 30, 2015.

**CDC Invites Comment On Proposed Information Collection Concerning Metal And Nonmetal Miner Health Program**

On April 24, 2015, CDC published a notice in the *Federal Register* requesting comment on the proposed information collection entitled Metal and Nonmetal Miner Health Program. The Program would gather health data on metal and nonmetal miners to identify opportunities for reducing the incidence and severity of disease. The Program will address the following high priority goals intended to advance and coordinate research across NIOSH: prevent and reduce work-related airways diseases; prevent and reduce work-related interstitial lung diseases; advance cross-cutting issues that affect all work-related respiratory diseases, in particular surveillance, exposure assessment, and emerging issues; reduce the incidence of musculoskeletal disorders in mine workers; reduce the incidence and mortality of work-related cardiovascular disease; and improve the health and safety of working people through research and surveillance to understand better work organization characteristics and their associations with health and safety outcomes. Data collection will take place at selected mine sites and in mining communities in the U.S., focusing initially on the western states where metal mining is concentrated. NIOSH will collaborate with health and safety leaders from western metal and nonmetal mines, labor, academic researchers, and other NIOSH researchers to identify mines interested in participating in the health assessments. Comments on the proposed information collection are due **June 23, 2015**.

**National Strategic And Critical Minerals Production Act Of 2015 Introduced In House**

On April 22, 2015, Representative Mark Amodei (R-NV) introduced the [National Strategic and Critical Minerals Production Act of 2015](https://www.congress.gov/bill/114th-congress/house-bill/1937?q=%7B%22search%22%3A%5B%22%5C%22critical+minerals%5C%22%22%5D%7D) (H.R. 1937), which is intended to address American dependence on foreign minerals and to enable the U.S. to develop more efficiently its own mineral supplies, upon which, according to a recent *60 Minutes* report, “modern U.S. life depends.” Amodei’s April 22, 2015, [press release](http://amodei.house.gov/news-releases/amodei-national-security-way-of-life-depend-on-mineral-production/) states that the bill would “do[] nothing to circumvent environmental regulations or public input. It would simply streamline the permitting process to leverage our nation’s vast mineral resources, while paying due respect to economic, national security and environmental concerns.” The bill would:

* Require the Department of the Interior and the Department of Agriculture to develop more efficiently domestic sources of strategic and critical minerals and mineral materials, including rare earth elements;
* Define strategic and critical minerals as those that are necessary:

(a) For national defense and national security requirements;

(b) For the energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(c) To support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; and

(d) For economic security and balance of trade;

* Facilitates a timely permitting process for mineral exploration projects by clearly defining the responsibilities of a lead agency;
* Sets the total review process for issuing permits to 30 months;
* Ensures American mining projects are not indefinitely delayed by frivolous lawsuits by setting reasonable time limits for litigation;
* Sets a 60-day time limit to file a legal challenge to a mining project, gives standing to project proponents, and limits injunctive relief to what is necessary to correct the violation of a legal requirement, and prohibits the payment of attorney’s fees, expenses and other costs by the U.S. taxpayer; and
* Respects and upholds all environmental laws while setting timelines that ensure these laws do not become tools for lawsuits or bureaucrats to block or delay responsible projects.

The bill was referred to the Committees on Natural Resources and on the Judiciary.

**Senate Committee Passes Secret Science Reform Act**

On April 28, 2015, the Senate Environment and Public Works Committee passed the Secret Science Reform Act (S. 544) by an 11-9 vote. The bill would prevent EPA from issuing in final any risk, exposure, or hazard assessment; criteria document; standard; limitation; regulation; regulatory impact analysis; or guidance document unless the data used as the basis for the action are publicly available and able to be independently analyzed. The Committee approved an amendment from Senator Barbara Boxer (D-CA), Ranking Minority Member, that prohibits censorship of common terms, including those related to climate change and air and water pollution, in official documents and presentations. The House passed similar legislation (H.R. 1030) on March 18, 2015. President Obama has threatened to veto the bill. More information regarding the House bill is available in our March 28, 2015, Update.

**Senate Committee Holds Hearing On American Mineral Security Act of 2015**

On May 12, 2015, the Senate Energy and Natural Resources Committee held a [hearing](http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=9cec1f9c-706a-4e90-a0fb-928ddb8ef3fb) to receive testimony on the [American Mineral Security Act of 2015](https://www.congress.gov/bill/114th-congress/senate-bill/883). The Committee heard from the following witnesses:

* Dr. Suzette Kimball, Acting Director, USGS;
* Ed Fogels, Deputy Commissioner, Alaska Department of Natural Resources;
* Vice Admiral Kevin J. Cosgriff U.S. Navy, Retired, President and CEO, National Electrical Manufacturers Association;
* Harry M. Conger, President of Americas Division, Freeport-McMoRan Inc.; and
* Dr. Richard Silberglitt, Senior Physical Scientist, RAND Corporation.

**Democrats Request Information On Safety Of Mine Tailings Dams**

On May 19, 2015, Representatives Raúl M. Grijalva, Ranking Member of the Committee on Natural Resources, and Alan Lowenthal, Ranking Member of the Subcommittee on Energy and Mineral Resources, sent a letter to USFS Chief Tom Tidwell and BLM Director Neil Kornze requesting detailed information on tailings dam safety on public lands. According to the May 19, 2015, [press release](http://democrats.naturalresources.house.gov/press-release/wake-canadian-disaster-grijalva-and-lowenthal-request-federal-information-mine), the letter is prompted in part by the August 2014 failure of the Mount Polley mine tailings dam. The letter states: “The results of the Mount Polley investigation are particularly troubling because there are several existing or proposed mines in the United States located on potentially unstable glacial foundations, and two of the engineering firms involved in the construction and management of the Mount Polley tailings dam have also been involved in the designs of tailings dams for domestic projects such as the proposed Rosemont Mine in Arizona.” The letter requests:

* The number and location of tailings facilities that are sited on public lands;
* Both agencies’ current knowledge about the structural stability of these tailings facilities;
* How often each tailings dam is inspected, when the last time each facility was inspected, and by whom;
* The amount of financial assurance held by the BLM or USFS, or in partnership with state agencies, to provide financially for the long-term management of each facility, and whether or not that financial assurance is sufficient to play for clean-up in the event of a failure; and
* Tidwell’s and Kornze’s assessments of whether the recommendations from the Mount Polley review panel could be applied in the U.S. to strengthen tailings impoundment safety requirements and reduce the potential for catastrophic mine tailings dam failures.

**NIOSH Publishes Article On Metal And Nonmetal Miner Health**

The April 2015 issue of NIOSH *eNews* includes an item entitled “NIOSH Article Looks at U.S. Metal and Nonmetal Miner Health.” According to the item, NIOSH recently published an [article](http://www.tandfonline.com/doi/abs/10.1080/19338244.2014.998330#.VSL_edTD9p-) describing the current knowledge of U.S. metal and nonmetal miner health. NIOSH states that the lack of a comprehensive surveillance system and existing gaps in the literature and national surveys limit its understanding of the health status of metal and nonmetal miners, “a high-risk and overlooked population.” In the article, NIOSH reviews current data sources and describes plans for a health program to address these knowledge gaps and to improve miner health.

**OSHA Seeks Comment On Extending OMB’s Approval Of Collection Of Information Requirements In The Cadmium In Construction Standard**

OSHA published a May 21, 2015, *Federal Register* notice soliciting public comments concerning its proposal to extend OMB’s approval of the collection of information requirements contained in the **cadmium** in construction standard (29 C.F.R. Section 1926.1127). According to OSHA, the major collection of information requirements of the standard include conducting worker exposure monitoring; notifying workers of their **cadmium** exposures; implementing a written compliance program; implementing medical surveillance of workers; providing examining physicians with specific information; ensuring that workers receive a copy of their medical surveillance results; and maintaining workers’ exposure monitoring and medical surveillance records for specific periods and providing access to these records by the worker who is the subject of the records, the worker’s representative, and other designated parties. OSHA has a particular interest in comments on the following issues:

* Whether the proposed collection of information requirements are necessary for the proper performance of OSHA’s functions, including whether the information is useful;
* The accuracy of OSHA’s estimate of the burden (time and costs) of the collection of information requirements, including the validity of the methodology and assumptions used;
* The quality, utility, and clarity of the information collected; and
* Ways to minimize the burden on employers who must comply (for example, by using automated or other technological information collection and transmission techniques).

OSHA is requesting an adjustment decrease of 3,511 burden hours (from 37,231 to 33,720 burden hours) to account for the determination, upon further consideration, that neither training delivery nor collection of records during OSHA inspections constitute collections of information under the Paperwork Reduction Act of 1995. OSHA states that while it believes exposures likely have decreased, without specific updated data, it has retained the existing estimates regarding the number of construction sites, employers, and employees covered by the standard. Comments are due **July 20, 2015**.

**NGO Sues SEC Over Delay In Issuing Resource Extraction Disclosure Rule**

On March 13, 2015, Oxfam America filed its memorandum in reply to SEC’s summary judgment opposition and opposition to cross-motion for summary judgment in the U.S. District Court for the District of Massachusetts. *Oxfam Am. Inc. v. SEC*, No. 14-cv-13648. According to Oxfam, the SEC’s position “boils down to the following proposition: an agency’s vacated effort to comply with a Congressional deadline frees it from that deadline in favor of its own agenda priorities.” Oxfam states that the SEC provides no authority for its *ipse dixit* assertion, however, nor does it address the authority against it. Oxfam states: “Congress enjoys the prerogative to set policy priorities. The SEC does not enjoy the discretion to reorder them. When Congress requires a rulemaking by a stated deadline, the failure to meet that deadline constitutes agency action ‘unlawfully withheld’ under Section 706(1) of the APA. Awarding injunctive relief under Section 706(1) simply restores the supremacy of the legislative branch of government over subordinate administrative agencies.” Oxfam argues that the SEC’s prior attempt to promulgate a final resource extraction rule “has left it with an ample rulemaking record at its disposal,” and that the issues raised by the rulemaking “are not particularly complex.” Oxfam contends that the SEC’s expectation that it will consider a revised proposed rule by **October 31, 2015**, is an “empty gesture” demonstrating the need for an injunction to compel the SEC to finish the rulemaking.

On March 27, 2015, the SEC filed its reply in support of its cross-motion for summary judgment. The SEC notes the “unprecedented volume of rulemaking that both the Dodd-Frank Act and the JOBS Act” required it to undertake, and states that it did adopt a resource extraction rule and defend it against a court challenge that resulted in the rule being vacated in 2013. Oxfam maintains that “‘[s]imple math’ . . . compels the ‘simple task’” of ordering the SEC to propose and adopt such a rule by **November 1, 2015**, a date selected by Oxfam, “and requires this Court to ignore every fact demonstrating both the reasonableness of the Commission’s past and ongoing efforts to comply with Section 1504 and why it would be inequitable to impose Oxfam’s deadline.” The SEC argues that the court should use the guidelines set out in *Telecommunications Research & Action Center v. FCC* to determine whether its delay in acting was sufficiently egregious to justify an order mandating action. According to the SEC, application of these factors “strongly counsels deference to the Commission’s assessment of how best to employ its finite resources in order to fulfill its law enforcement and other competing regulatory obligations.” The SEC acknowledges that “a recent assessment of its overall regulatory agenda concluded that the Commission may not take further action until **Spring 2016** on this rule.” The SEC asks the court to deny Oxfam’s motion for summary judgment and grant judgment in favor of the SEC.

On May 6, 2015, the court held a hearing on the motion and cross-motion for summary judgment. The court has taken the motions under advisement.

**NGO Calls For USDA To Halt Import Of Apples From China**

On April 23, 2015, Food and Water Watch issued a [press release](http://www.foodandwaterwatch.org/pressreleases/food-water-watch-denounces-usda-approval-of-apples-from-china/) calling for USDA to end the import of apples from China. The press release states: “Thanks to China’s widespread pollution and food safety problems, we could see apples with dangerous chemical residues imported into the United States. A 2014 survey by the Chinese government found that one-fifth of the country’s farmland was polluted with inorganic chemicals and heavy metals including arsenic, **cadmium** and nickel.”

**STATE ISSUES**

**EWG Claims States Lead In Protecting Kids From “Toxic Cadmium” In Jewelry**

EWG posted a blog item on April 13, 2015, entitled “[Toxic **Cadmium** in Jewelry: States Lead in Protecting Kids](http://www.ewg.org/enviroblog/2015/04/toxic-cadmium-jewelry-states-lead-protecting-kids).” According to EWG, the issue of **cadmium** in children’s jewelry “shows how important it is that states retain their right to set their own limits on hazardous chemicals.” EWG states that CPSC and EPA failed to respond favorably to a 2010 petition calling for a ban on **cadmium** in children’s jewelry. Rather than granting the petition, CPSC “worked with ASTM International, a private, industry-friendly standards group, to develop voluntary standards for cadmium in children’s jewelry. [CPSC] also argued that the existing mandatory standard for **cadmium** in children’s toys was sufficient to protect children from exposure -- although most children’s jewelry products are not regulated as toys.” According to EWG, in 2012, “California responded by amending its Lead-Containing Jewelry Law to include **cadmium**,” and “Connecticut, Illinois, Maryland, Minnesota, and Washington have also set strict limits on **cadmium** in children’s jewelry.” EWG argues that any TSCA reform legislation must “protect the states’ power to act.”

***California***

**Attorney General Issues Guide For Companies To Comply With The California Transparency In Supply Chains Act**

Attorney General Kamala D. Harris issued on April 13, 2015, a [resource guide](http://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf) intended to assist companies that do business in California with disclosing their efforts to prevent human trafficking and slavery in their product supply chains, as required by the California Transparency in Supply Chains Act. The guide provides businesses with recommendations to develop and refine their disclosures to consumers. The Act requires large retailers and manufacturers that do business in California to disclose on their websites their efforts to eradicate slavery and human trafficking from their direct supply chain for tangible goods offered for sale. The Act applies to companies doing business in California with annual worldwide gross receipts totaling over $100 million and that identify themselves as a retail seller or manufacturer on its California tax return. The Resource Guide explains each of the Act’s requirements, and provides model disclosures inspired by actual company website disclosures. The Act does not impose any obligation on businesses to implement new measures. All disclosures must be made available on the company’s website and be accessible by a conspicuous link on the homepage. If a company subject to the law does not have a website, it must provide written disclosures within 30 days of receiving a request for the information.

**CDTSC Announces Final PP Work Plan**

On April 16, 2015, CDTSC announced the final **2015-2017** [PP Work Plan](http://www.dtsc.ca.gov/SCP/PPWP.cfm), which outlines CDTSC’s policy priorities and the types of products that may be evaluated over the next three years. CDTSC states that the Work Plan provides stakeholders a level of predictability and serves as a signal to manufacturers who make products that fall into the following categories:

* Beauty/personal care and hygiene;
* Building products: Paints, adhesives, sealants, and flooring;
* Household/office furniture and furnishings with perfluorochemicals or flame retardants;
* Cleaning products;
* Clothing;
* Fishing and angling equipment; and
* Office machinery consumable products.

Over the course of the next three years, CDTSC will use a variety of methods to engage stakeholders and collect information, including public workshops, information call-ins, public comment, and consultations with experts. CDTSC states that it will use the information gathered through these means and internal research to announce the proposed PPs and ultimately for listing a PP. More information is available in B&C’s April 20, 2015, memorandum, [DTSC Releases Final Priority Product Work Plan](http://www.lawbc.com/regulatory-developments/entry/dtsc-releases-final-priority-product-work-plan).

***Connecticut***

**House Passes Bill Implementing Recommendations Of The Task Force On Cadmium In Children’s Jewelry**

On May 26, 2015, the House passed H.B. 6743, which would implement the recommendations of the Task Force on Cadmium in Children’s Jewelry. Effective **October 1, 2015**, each person who manufactures children’s jewelry for sale or distribution in Connecticut and each person who distributes children’s jewelry in Connecticut must register with the Department of Consumer Protection and pay an annual registration fee of $50. Manufacturers and distributors must certify in writing that all children’s jewelry manufactured for distribution or sale in Connecticut has been tested for **cadmium** using a total content test. The passing standard for such total content test shall be not more than .03 percent by weight. Total content test methods shall be applied separately to each component part of such jewelry and may include, but shall not be limited to, x-ray fluorescence spectrometry analysis or total digestion testing, as specified by the latest ASTM standards. The Commissioner of Consumer Protection may require written verification of a surface coating test for **cadmium** in children’s jewelry that contains paint or any other surface coating. The passing standard for such surface coating test shall be not more than .0075 percent by weight. The Commissioner of Consumer Protection, after consultation with the Commissioner of Public Health, shall develop and provide information to the public on the Department of Consumer Protection’s website regarding safety issues related to **cadmium** in children’s jewelry and recommended precautions parents may take to reduce or eliminate such safety issues.

***Florida***

**House And Senate Bills Concerning List Of Chemicals Of High Concern Die In Committee**

On April 28, 2015, H.B. 607 died in the Health Quality Subcommittee of the Health and Human Services Committee. The bill would have required FDOH to publish on its website a list of chemicals of high concern by specified date; specified criteria for inclusion on and revision of the list; and authorized FDOH to participate with other states and governmental entities in an interstate clearinghouse established for specified purposes. S.B. 374, which was similar, died in the Health Policy Committee on May 1, 2015. More information regarding the bills is available in our March 28, 2015, Update.

***Massachusetts***

**Bill Would Address Safer Alternatives To Toxic Chemicals**

On April 15, 2015, an Act for a Competitive Economy Through Safer Alternatives to Toxic Chemicals (S.B. 453) was introduced. The bill would direct TURI to seek to reduce the presence of priority chemical substances in consumer products and the workplace by promoting safer alternatives to such substances. No later than 18 months after the effective date, TURI shall publish a list of chemical substances commonly used in Massachusetts industry or in consumer products sold in Massachusetts. TURI shall categorize chemicals on the list into one of four categories: chemicals of high concern; chemicals of concern; chemicals of unknown concern; and chemicals of low concern. At least every four years, TURI shall refine the list to incorporate new scientific information and data, and publish a revised version of the list, as needed.

***New York***

**Bill Would Amend Public Health Law Relating To The Sale Of Children’s Jewelry Containing Cadmium**

On March 30, 2015, A.B. 6672 was introduced. The bill would amend the public health law in relation to the sale of children’s jewelry containing **cadmium** by defining children and children’s jewelry. In addition, in the absence of a federal standard, the Commissioner of the Department of Health would establish the maximum quantity of **cadmium** for children’s jewelry offered for sale as currently exists for glazed ceramic tableware. The bill was referred to the Committee on Health.

**Bill Would Regulate Toxic Chemicals In Pet Products**

On April 6, 2015, S.B. 4676 was introduced. S.B. 4676 is a companion bill to A.B. 3585, which was introduced on January 26, 2015, and would regulate toxic chemicals in pet products. The bill would designate a number of chemicals, including **cadmium**, as priority chemicals. Within 180 days of the effective date, NYSDEC would post lists of priority chemicals and chemicals of high concern on its website. No later than 12 months after a priority chemical is listed, every manufacturer who offers a pet product for sale or distribution in New York that contains an intentionally added priority chemical must report the use to NYSDEC. A manufacturer of a pet product containing a priority chemical must notify persons that offer the pet products for sale or distribution in New York of the presence of the priority chemical and provide information regarding the toxicity of the priority chemical. Effective **January 1, 2019**, no person would be allowed to distribute, sell, or offer for sale pet products containing a priority chemical that has been listed for at least one year. The bill was referred to the Committee on Environmental Conservation.

**Westchester County Passes Children's Product Safety Act**

On May 11, 2015, the Westchester County Board of Legislators unanimously approved the Children’s Product Safety Act, which is similar to Albany County’s Toxic-Free Toys Act. Albany County’s law prohibits the sales of children’s products or apparel that contain benzene, lead, mercury, antimony, arsenic, **cadmium**, and cobalt within Albany County. The bill now goes to Westchester County Executive Rob Astorino’s desk for signage.

**Federal Judge Grants Motion To Stay Albany County’s Toxic-Free Toys Act**

On May 14, 2015, the U.S. Northern District Court granted a motion to stay Albany County’s Toxic-Free Toys Act, which prohibits the sales of children’s products or apparel that contain benzene, lead, mercury, antimony, arsenic, **cadmium**, and cobalt within Albany County. The Safe to Play Coalition, a coalition of toy and children’s products groups, filed suit challenging the law, claiming that pre-emption provisions of the Federal Hazardous Substances Act and the Consumer Product Safety Act prevent municipalities or states from enacting their own regulations. The motion to stay the Toxic-Free Toys Act was filed jointly by the coalition and County Attorney Thomas Marcelle. Albany County will now address concerns raised in the lawsuit and develop regulations implementing it.

**Rockland County Will Hold Public Hearing On Bill Concerning Toxic Chemicals In Toys**

According to the minutes for the Rockland County legislature, a public hearing will be held on **June 16, 2015**, on a local law intended to protect infants and children from the harmful health effects of unnecessary exposure to toxic chemicals in toys. The law would prohibit the sale of children’s products and apparel that contain substances such as benzene, mercury, lead, arsenic, cobalt, **cadmium**, and antimony. The legislation would require a warning to be imposed on first-time offenders. If they do not comply, vendors will face a $500 fine for first-time violations and $1,000 for each subsequent offense. Sports protective equipment, charitable donations, and used toys sold second-hand and items sold over the internet would not be included under the law.

***Oregon***

**ODEQ Releases Report Examining Toxic Chemicals In State Waters**

On April 13, 2015, ODEQ released its [*Statewide Water Quality Toxics Assessment Report*](http://www.deq.state.or.us/lab/wqm/docs/2015-TMP_FinalReport.pdf), which summarizes results from water samples collected over the past several years at 177 sites across the state. ODEQ visited most sites three times and analyzed water samples for more than 500 different chemicals. The samples came from large rivers, small streams, and coastal estuaries. ODEQ tested for a wide range of chemicals, including industrial solvents; PCBs; metals such as arsenic, lead, copper, and **cadmium**; flame retardants; current-use and now-banned (legacy) pesticides; combustion byproducts; and consumer product constituents such as acetaminophen and codeine. The report states:

As a result of industrial activities, automobiles and pesticide use, several of these metals, such as **cadmium**, copper, chromium, lead and zinc, are associated with stormwater runoff. Concentrations and number of detections for these metals varied seasonally, with the fewest detections and lowest concentrations in the summer. Concentrations and detections of these metals were high in spring and fall, as would be expected with the onset of the rainy months.

**Senate Bill Would Require OHA To Establish List Of Designated High Priority Chemicals Of Concern**

S.B. 478 would require OHA to establish and maintain a list of designated high priority chemicals of concern for children’s health used in children’s products, and to review and revise the list periodically. The list would include chemicals that are listed on WDOE’s Reporting List of Chemicals of High Concern to Children, which includes **cadmium** and **cadmium compounds**. The bill would also require OHA to post certain information on its website; require manufacturers of certain children’s products to provide notice regarding listed chemicals; and require certain manufacturers to take additional actions after certain dates to comply with notice requirement. The Senate Committee on Environment and Natural Resources passed the bill by a vote of 3-2 on April 15, 2015, and requested referral to the Senate Committee on Ways and Means.

**NGO Sues EPA For Failing To Promulgate Water Quality Criteria For Pollutants, Including Cadmium**

On April 20, 2015, Earthrise Law Center, on behalf of NWEA, filed suit in the U.S. District Court for the District of Oregon against EPA for failing to promulgate replacement aquatic life toxics criteria for Oregon. *NWEA v. EPA*, No. 3:15-cv-0663. The complaint states that on January 31, 2013, EPA approved most of the standards submitted by Oregon in 2004, but expressly disapproved seven standards (specifically, numeric criteria for the toxic pollutants aluminum, ammonia, and copper intended to protect aquatic life from acute and chronic toxicity and the acute aquatic life criterion for **cadmium**), and in so doing notified Oregon of the changes needed to meet CWA requirements. NWEA argues that Oregon’s failure to adopt EPA’s recommended changes within 90 days triggered a mandatory duty for EPA on May 1, 2013, to “promptly prepare and publish proposed regulations setting forth” revised water quality standards for Oregon. The complaint notes that Oregon’s current water quality standards for aluminum, ammonia, **cadmium**, and copper “are over 20 years old, and provide nowhere near the degree of protection needed for aquatic life, including endangered salmonids, to survive and thrive in Oregon’s rivers and streams.” NWEA seeks an order requiring EPA to prepare and publish promptly proposed water quality standards for aluminum, ammonia, **cadmium**, and copper applicable to Oregon.

***Washington***

**Senate Committees Pass Bill That Would Use Chemical Action Plans To Require Safer Chemicals**

On April 1, 2015, the Senate Committee on Energy, Environment and Telecommunications passed H.B. 1472 with amendments. The bill was referred to the Senate Committee on Ways and Means, which passed it with amendments on April 7, 2015. The current version of H.B. 1472 includes the following provisions:

* Beginning **January 1, 2016**, and every two years thereafter, WDOE, in consultation with WDOH, would select up to four chemicals for the development of chemical action plans. The chemicals will be selected from:
* Chemicals identified by EPA in CWA Section 304(a)(1) that impact Washington water bodies; or
* Chemicals that meet the criteria of a high priority chemical as applied to humans, plants, or wildlife, and:
* Meet the criteria for a high priority chemical of high concern for children or;
* Have been shown through environmental monitoring studies to be present in fish, wildlife, air, water, soil, or sediment.
* WDOE may require information from manufacturers of products that contain a chemical selected for a chemical action plan. Prior to requesting information, WDOE must consult with a chemical action plan external advisory committee, if one has been formed yet, to evaluate the particular chemical that is the subject of the information request. WDOE may make only reasonable requests of manufacturers that are limited in their scope and frequency and that are focused on:

(a) The most common and prevalent uses of the chemicals or products containing the chemicals, based on WDOE’s existing knowledge about the chemical;

(b) Areas where there is an identified gap in public or WDOE knowledge about a chemical; and

(c) Chemical uses or products that WDOE has reason to believe are likely to be responsible for or associated with a significant portion of releases into the environment or public health exposures.

* Within six months of a request from WDOE, manufacturers must report certain information, including a description of the function of the chemical in the product and the amount of the chemical used in each unit of the product or product component.
* Consistent with a recommendation in a chemical action plan, WDOE is authorized to require manufacturers, by order, to conduct alternatives assessments. The scope of an alternatives assessment must include a single type of use of a chemical in a specific type of manufacturing process, or the inclusion of a chemical in a specific type of product.
* If WDOE determines that a safer alternative exists, WDOE must submit a recommendation to prohibit specific uses of the chemical, in the form of draft legislation. If WDOE determines that a safer alternative does not exist, then WDOE may reevaluate information on the availability of safer alternatives not more often than once every five years.

**Senate Committee Passes Substitute Bill Concerning The Use Of Chemical Action Plans**

On April 29, 2015, S. 5056 was reintroduced and retained in its present status. In addition to provisions concerning flame retardants, the current bill includes the following provisions regarding chemical action plans:

* WDOE must select substances, as identified by EPA in CWA Section 304(a)(1), that impact Washington state water bodies as identified under CWA Section 303(d) for development of a chemical action plan. Beginning **January 1, 2016**, and every two years thereafter, WDOE, in consultation with WDOH, must complete and publish a chemical action plan for two substances to identify, characterize, and evaluate uses and releases of the substances in Washington, the levels of the substances present in the environment, and the levels of the substances present in Washington water bodies as identified under CWA Section 303(d).
* When developing chemical action plans, WDOE must include an analysis of available information on the production, inadvertent production, uses, and disposal of the substance; information on the potential impacts and risks to human health and the environment associated with the use and release of the substance; an evaluation of the regulatory and nonregulatory approaches that influence production, presence, uses, releases, and management of the substance; and recommendations for:

(i) Managing, reducing, and phasing out the different uses and releases of the substance;

(ii) Minimizing exposure to the substance;

(iii) Reducing risk of harm to human health and the environment; and

(iv) The use of alternatives that reduce risk and exposure.

**WDOH To Evaluate Whether ASTM Standard Adequately Protects Children From Exposure To Cadmium In Children’s Jewelry**

S.B. 5077, which provides a budget for **July 1, 2015**, through **June 30, 2017**, includes a provision requiring the WDOH within existing resources and in cooperation with WDOE, to “evaluate whether the ASTM F2923-14 standard adequately protects the children of Washington from exposure to **cadmium** from children’s jewelry.” WDOH’s report shall determine:

(1) Whether any instances of medical treatment of children in the state due to children being exposed to harmful levels of **cadmium** in jewelry have occurred;

(2) Whether any other voluntary or mandatory standards address the risk of **cadmium** exposure to children and if so, how those standards compare to ASTM F2923-14;

(3) To what extent federal agencies considered ASTM F2923-14 and found the standard adequate to address the potential risk of exposure to **cadmium** in children’s jewelry;

(4) Whether any federal agency has determined that a total content limit for **cadmium** in children’s jewelry could be scientifically supported to assess the potential risk of **cadmium** exposure to children; and

(5) What scientific justification exists to adopt different standards for **cadmium** in metal and plastic components of jewelry versus metal and plastic components of toys.

WDOH’s report would be due to the appropriate legislative committees by **December 1, 2015**. On April 29, 2015, the bill was reintroduced and retained in its present status.

**Bills Concerning Cadmium In Children’s Jewelry Reintroduced And Retained**

On April 29, 2015, H.B. 1049, S.B. 5021, and S.B. 6042 were reintroduced and retained in their present status. The bills would amend the regulations concerning **cadmium** in children’s jewelry to allow the manufacture, sale, and distribution of children’s jewelry that meets ASTM F2923-14, as approved October 1, 2014. The Senate Committee on Energy, Environment, and Telecommunications passed S.B. 5021 on February 19, 2015.

**INTERNATIONAL ISSUES**

**CANADA**

**Participants Needed For Study Of Newcomer Women And Developmental Toxicants**

The [Study of Newcomer Women and Developmental Toxicants](http://www.bccdc.ca/healthenv/Contaminants/SeedStudy/default.htm) is recruiting 300 Lower Mainland immigrants from South and East Asia. Health Canada, BCCDC, and the BC Ministry of Health are sponsoring the study, which is a collaboration between Fraser Health, Vancouver Coastal Health, Toronto Public Health, and the University of Toronto. The Study will assess newcomer women’s blood and urine levels of heavy metals (lead, mercury, and **cadmium**) and other developmental toxicants. An [article](http://www.bcmj.org/sites/default/files/BCMJ_57_Vol4_bccdc.pdf) in the May 2015 *BC Medical Journal* states that heavy metals are found at low levels in a variety of cultural and noncultural household products and foods:

* Cinnabar (used in vermilion paint by Indo-Canadian women to indicate their married status) and many freshwater and large predatory ocean fish may contain mercury;
* Imported ayurvedic treatments, traditional Chinese medicines, candies, and personal care items may contain lead; and
* Organ meats and oysters may contain **cadmium**.

Women aged 19 to 45 years who have moved to Vancouver or Toronto in the last five years from India, China, Hong Kong, and Taiwan can enroll. Enrollment will close **January 2016**.

**CHINA**

**MIIT Releases Draft RoHS 2 For Public Comment**

On May 18, 2015, MIIT released for public comment a [draft version of RoHS 2](http://zfs.miit.gov.cn/n11293472/n11294912/n11296182/16591691.html), which would make a number of changes to RoHS 1. Under RoHS 1, China bans lead, **cadmium**, mercury, hexavalent chromium, PBBs, and PBDEs. The draft includes the following provisions:

* Product scope would be expanded to include all electrical and electronic products (reflected in the changed name of the regulation), excluding power generation, transmission, and distribution equipment;
* A list of electronic products that must comply with RoHS 2 would be known as the catalog of electrical and electronic products subject to compliance management in the restriction of hazardous substances;
* Products listed in the catalog would be managed under a national conformity assessment regime, restricting hazardous substances in electrical and electronic products;
* The exemption for products manufactured in China for export has been removed; and
* Products must be marked with information, including the name and amount of hazardous substances, as well as their location in products, environmental information, and recyclability.

Comments are due **June 17, 2015**.

**INDIA**

**Ground Water Contaminants Include Cadmium**

Ground water quality data generated during various scientific studies and ground water quality monitoring by the Central Ground Water Board indicate that the ground water in parts of 20 states is contaminated by fluoride and in 21 states by nitrate in excess of WHO guidelines. Ten states have excess concentrations of arsenic, 24 states have higher concentrations of iron, and 15 states have higher concentrations of heavy metals such as lead, chromium, and **cadmium** beyond those established by the Bureau of Indian Standards. The Ministry of Drinking Water and Sanitation has earmarked 20 percent of the allocated funds under the National Rural Drinking Water Program for water quality problems. In addition, the states may use up to 67 percent of funds released under the Program for improving ground and surface water quality. As a long-term measure, states were advised to provide piped water supplied from alternate safe sources to affected habitations, with priority to cover fluoride and arsenic affected habitations. As a short-term measure, states were advised to set up community water treatment plants in all remaining habitations affected by contamination from arsenic, fluoride, heavy metals, toxic elements, pesticides, and fertilizers by **March 2017**.

**RUSSIA**

**Peanut Imports From The U.S. Banned Due To Cadmium Content**

On May 1, 2015, the Russian Federal Service for Veterinary and Phytosanitary Supervision imposed a ban on peanut imports from the U.S. The restrictions will be in effect until Russia obtains an explanation for an excessive **cadmium** content in peanuts.

**SOUTH KOREA**

**Researchers Find Artificial Lawns At 174 Schools Contaminated**

Researchers from the FITI Testing and Research Institute and Korea Sports Promotion Foundation tested 1,037 schools for lead, **cadmium**, mercury, hexavalent chrome, benzopyrene, and 11 other hazardous substances. Of them, 174 schools were found to have lawns that contain at least one substance at the level higher than the regulated amount. Gyeonggi Province had the largest number of schools with contaminated lawns with 41, followed by Seoul, Busan, Ulsan, and Daegu. The government spent up to 100 billion won to install artificial lawns at schools. The Green Party issued a statement calling for the removal of the artificial lawns.

**TAIWAN**

**Draft List Of Priority Management Chemical Substances Includes Cadmium And Cadmium Compounds**

MOL issued on April 13, 2015, a [draft list](http://prochem.osha.gov.tw/admin/images/fck/file/1040407_%E5%8B%9E%E8%81%B7%E7%B6%9C3%E5%AD%97%E7%AC%AC1040200553%E8%99%9F_%E5%84%AA%E5%85%88%E7%AE%A1%E7%90%86%E7%AC%AC2%E6%A2%9D%E7%AC%AC2%E6%AC%BE%E6%8C%87%E5%AE%9A%E5%85%AC%E5%91%8A%E7%AC%AC%E4%B8%80%E9%9A%8E%E6%AE%B5%E6%B8%85%E5%96%AE%E5%BE%B5%E6%B1%82%E6%84%8F%E8%A6%8B.pdf) of the Phase I Designated Priority Management Chemical Substances. Under the OSH Act, a manufacturer, importer, supplier, or employer must submit relevant handling information, including exposure data, for listed substances. The draft list consists of 580 substances, including **cadmium** and **cadmium compounds**. A public consultation on the draft list ended on April 24, 2015. The list will be effective **May 31, 2015**, following a public announcement by MOL.

\* \* \* \* \*

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

## ACRONYMS

**APA** -- Administrative Procedure Act

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

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

**BC** -- British Columbia

**BCCDC** -- British Columbia Center for Disease Control

**BLM** -- Bureau of Land Management

**CBI** -- Confidential Business Information

**CCR** -- Coal Combustion Residual

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

**CDR** -- Chemical Data Reporting

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

**CEO** -- Chief Executive Officer

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

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

**CPSC** -- Consumer Products Safety Commission

**CWA** -- Clean Water Act

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

**EWG** -- Environmental Working Group

**FDOH** -- Florida Department of Health

**ICdA** -- International Cadmium Association

**MIIT** -- Ministry of Industry and Information Technology

**MOL** -- Ministry of Labor

**NGO** -- Non-Governmental Organization

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

**NWEA** -- Northwest Environmental Advocates

**NYSDEC** -- New York State Department of Environmental Conservation

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

**OHA** -- Oregon Health Authority

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

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

**OSWER** -- Office of Solid Waste and Emergency Response

**PBB** -- Polybrominated Biphenyl

**PBDE** -- Polybrominated Diphenyl Ether

**PCB** -- Polychlorinated Biphenyl

**PP** -- Priority Product

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

**RoHS 1** -- Management Methods for the Control of Pollution from Electronic Information Products

**RoHS 2** -- Management Methods for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products

**SEC** -- United States Securities and Exchange Commission

**TSCA** -- Toxic Substances Control Act

**TURI** -- Toxics Use Reduction Institute

**USDA** -- United States Department of Agriculture

**USFS** -- United States Forest Service

**USGS** -- United States Geological Survey

**WDOE** -- Washington Department of Ecology

**WDOH** -- Washington Department of Health

**WHO** -- World Health Organization

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)