#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

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

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**FEDERAL ISSUES**

**CAA ISSUES**

**EPA Considering Modernization Of The Accidental Release Prevention Regulations**

According to an item in EPA’s Spring 2015 Regulatory Agenda, which was posted on May 21, 2015, in response to Executive Order 13650, EPA is considering potential revisions to its RMP regulations and related programs. EPA states that it may consider the addition of new accident prevention or emergency response program elements, and/or changes to existing elements, and/or other changes to the existing regulatory provisions. EPA intends to publish an NPRM in **September 2015**.

**CERCLA ISSUES**

**EPA Regulatory Flexibility Agenda Includes Financial Security Requirements Under CERCLA For Hard Rock Mining Industry As Long-Term Action**

EPA published its Regulatory Flexibility Agenda in the June 18, 2015, *Federal Register*. EPA notes that the Regulatory Flexibility Act requires publication of the Regulatory Flexibility Agenda, which contains information about regulations that may have a significant impact on a substantial number of small entities, in the *Federal Register*. The long-term actions include “Financial Responsibility Requirements Under CERCLA Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry.” EPA notes that CERCLA Section 108(b) establishes certain authorities concerning financial responsibility requirements. EPA has identified classes of facilities within the hard rock mining industry as those for which financial responsibility requirements will be first developed. EPA states that it intends to include requirements for financial responsibility, as well as notification and implementation. According to the Regulatory Flexibility Agenda, EPA intends to publish an NPRM in **August 2016**. EPA published a priority notice of action in the July 28, 2009, *Federal Register*. In that notice, EPA identified hard rock mining facilities as “those which extract, beneficiate or process metals (*e.g*., copper, gold, iron, lead, magnesium, molybdenum, silver, uranium, and zinc) and non-metallic, non-fuel minerals (*e.g*., asbestos, gypsum, phosphate rock, and sulfur).”

**EPCRA ISSUES**

**EPA Releases 2014 TRI Preliminary Dataset**

On July 21, 2015, EPA made the [2014 TRI preliminary dataset](http://www2.epa.gov/toxics-release-inventory-tri-program/2014-tri-preliminary-dataset) public. According to an EPA spokesperson, the data provide insight into which pollution prevention activities companies found to be most effective, as well as identify barriers that companies reportedly experienced to reduce their TRI releases. EPA states that the preliminary dataset can be used to:

* Determine if a particular facility has reported;
* Determine what chemicals a particular facility is using and releasing into the environment, or otherwise managing as waste;
* Find out if a particular facility initiated any pollution prevention activities in the most recent calendar year; and
* Begin conducting research into toxic chemical releases across the U.S. or in a specific geographical area.

EPA typically releases its detailed analysis of the full final data by December.

**TSCA ISSUES**

**After Markup Hearings, House Passes TSCA Modernization Act**

On May 26, 2015, Representative John Shimkus (R-IL) formally introduced the TSCA Modernization Act of 2015 (H.R. 2576). On June 2-3, 2015, the House Committee on Energy and Commerce held a [markup hearing](http://energycommerce.house.gov/markup/full-committee-vote-tsca-modernization-act-and-fcc-process-reform-act) on the bill. On June 2, 2015, the Committee heard opening statements only. On June 3, 2015, the Committee hearing reconvened. Shimkus offered a technical and conforming [amendment](http://docs.house.gov/meetings/IF/IF00/20150602/103561/BILLS-114-2576-S000364-Amdt-1.pdf) that he stated had been agreed upon by majority and minority staff and with some input from EPA. The amendment passed on a voice vote. Representative Anna G. Eshoo (D-CA) offered the only other [amendment](http://docs.house.gov/meetings/IF/IF00/20150602/103561/BILLS-114-2576-E000215-Amdt-2.pdf), which concerned state preemption. Eshoo later withdrew her amendment with the understanding that, as Pallone requested, there be a commitment to address it. More information is available in B&C®’s June 3, 2015, memorandum, [House Committee Passes Amended TSCA Modernization Act](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-house-committee-passes-amended-tsca-modernization-act), and June 11, 2015, memorandum, [Detailed Review of the TSCA Modernization Act of 2015 Considered in Markup by the House Energy and Commerce Committee](http://www.lawbc.com/regulatory-developments/entry/tsca-reform-detailed-review-of-the-tsca-modernization-act-of-2015-considere).

On June 23, 2015, the House passed H.R. 2576 by a vote of 398-1. The House considered the bill under suspension of the rules procedure. Debate was limited and amendments could not be offered. The version of the bill linked to The Leader’s Weekly Schedule was amended since the House Committee on Energy and Commerce reported the bill on June 3, 2015. Changes in the [June 18, 2015, version](http://docs.house.gov/billsthisweek/20150622/2576_xml.pdf) of the bill include:

* Changing the deadline for completion of manufacturer requested risk evaluations from three to two years. Other risk evaluations (those based on the “may present” determination, or those included on the EPA Work Plan) still have the three-year deadline;
* If EPA receives more manufacturer requests than it has resources to handle by the deadline, EPA shall start those risk evaluations when resources are available and shall not collect the fee until it begins the risk evaluation; and
* Section 26(b)(3)(D) concerning “Use of funds by Administrator” has been reworded to clarify and make the point that the fees authorized shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Under the revised text, the amounts available for use must be approved in advance by Congressional appropriation bills, thus imposing a fiscal limitation on EPA. Prior versions of the bill might have allowed EPA to use the fee amounts without any consideration of whether Congress had actually appropriated such usage of fees.

On June 23, 2015, the House Committee on Energy and Commerce issued [House Report 114-176](https://www.congress.gov/114/crpt/hrpt176/CRPT-114hrpt176.pdf) on H.R. 2576. CBO released its [analysis](http://www.cbo.gov/publication/50343) of the bill on June 23, 2015. CBO estimates that EPA would incur additional costs to conduct safety evaluations of chemical substances over the **2016-2020** period to meet the new requirements imposed by H.R. 2576. CBO estimates that implementing the legislation would cost $64 million over the next five years and $143 million over the **2016-2025** period, assuming appropriation actions consistent with the bill. As reported below, on June 5, 2015, CBO issued a cost estimate for the Senate bill. CBO states in its analysis of the House bill:

Both S. 697 and H.R. 2576 would increase EPA’s administrative workload by roughly equivalent amounts to meet new requirements under TSCA and both bills would enable EPA to charge fees to chemical manufacturers and processors for certain activities, though the types of fees charged and the amounts collected would vary between the two bills. Furthermore, because the classification of fees under the two bills differs, collections under the bills would have different budgetary implications. Under S. 697, the fees collected would be classified as offsetting collections and would more than offset the additional discretionary spending estimated under S. 697. In contrast, the fees collected under H.R. 2576 would result in a reduction in direct spending and an increase in revenues. The cost estimates for the two bills reflect the different budgetary treatment.

**Inhofe States Senate Will Consider Senate TSCA Reform Bill**

In a July 8, 2015, statement, Senator James Inhofe (R-OK) stated that when the Senate takes up TSCA reform, it will “be considering the Senate bill,” the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697), not the bill passed by the House in June. According to Inhofe, he is “in the middle of” trying to get floor time.” Staff for Senate Majority Leader Mitch McConnell (R-KY) has indicated that McConnell wants Democrats to agree to limit the time for debate and the number of amendments. Senator Tom Udall (D-NM), who introduced S. 697, stated that he would like to have an open amendment process that would complete debate and reach a final vote in a week or two. In a [July 2, 2015, letter](https://www.dropbox.com/s/1pwdfsn5uhfkvv7/HR2576_House_Passage%20NCSL%20ECOS%20TSCA.pdf?dl=0) to McConnell, Senate Minority Leader Harry Reid (D-NV), House Speaker John Boehner (R-OH), and House Minority Leader Nancy Pelosi (D-CA), ECOS, and NCSL “encourage” the Senate to pass TSCA reform legislation “in a timely manner.” ECOS and NCSL urge Congress to include language allowing states to regulate a particular chemical in the absence of a final EPA determination and “are appreciative” of provisions in the House bill that preserve state laws and regulations in the absence of federal action. Following passage of the House bill, Senator Barbara Boxer (D-CA), Ranking Member of the Senate Environment and Public Works Committee, issued a statement supporting the House bill. According to Boxer, although the House bill could still be improved, she “feel[s] it is the appropriate bill to take up in the United States Senate where we can work on just a few amendments to make it better.” More recently, on July 8, 2015, Boxer expressed her preference for the House bill “because it’s much easier, it’s much more straight forward.” Boxer stated that she agreed with a July 7, 2015, letter from Safer Chemicals, Health Families to McConnell and Reid that suggests the Senate take up the House bill, “but only if there is agreement in advance of floor consideration to ensure that the bill includes a few key changes.” Udall maintains that the S. 697 “is a better bill. . . . It’s a much more comprehensive bill.” According to Udall, the Senate bill’s strengths include:

* The safety standard it requires chemicals to meet to protect public health and the environment;
* The $18 million in fees it would secure from chemical manufacturers annually for EPA to implement the law;
* The new chemicals provisions that would require EPA to make an affirmative decision that a new chemical would be safe before allowing it to be manufactured; and
* CBI provisions that would ensure doctors and other health-care providers and emergency responders have access to chemical information they would need to address emergencies.

On July 27, 2015, a Senate Republican leadership aide stated that the Senate will not consider the Senate bill until after the Senate’s **August** recess.

**EPA Considering Amending Significant New Use Regulations To Align With HCS**

According to an item in EPA’s Spring 2015 Regulatory Agenda, which was posted on May 21, 2015, EPA is considering proposing changes to the applicable significant new uses of chemical substances regulations at 40 C.F.R. Part 721 to align the EPA regulations, where possible, with the final revisions to the OSHA HCS. OSHA issued a March 26, 2012, final rule that aligns the HCS with the GHS. EPA is also considering other changes to 40 C.F.R. Part 721 based on issues that have been identified by EPA and public comments for SNURs issued under these regulations. EPA intends to issue an NPRM in **November 2015**.

**Direct Final Rule Amends TSCA Section 5 Electronic Reporting Regulations**

On July 20, 2015, EPA promulgated a direct final rule amending the TSCA Section 5 electronic reporting regulations. EPA states that the rule provides the user community with new methods for accessing the e-PMN software, new procedures for completing the e-PMN form, changes the CDX registration process, adds the requirement to submit “*bona fide* intents to manufacture” electronically, and changes to the procedure for notifying EPA of any new manufacturing site of a chemical substance for which an exemption was granted. EPA states that the direct final rule is intended to streamline and reduce further the administrative costs and burdens of TSCA Section 5 notifications for both industry and EPA. The direct final rule will be effective **January 19, 2016**, without further notice, unless EPA receives adverse comment by **August 19, 2015**. If EPA receives adverse comment, EPA will withdraw the rule before its effective date. EPA will then issue a proposed rule, providing a 30-day period for public comment.

**MISCELLANEOUS ISSUES**

**ACGIH® Updates BEI® Committee’s Under Study List**

As reported in our July 21, 2015, e-mail, ACGIH® has updated the BEI® Committee’s [under study list](http://www.acgih.org/tlv-bei-guidelines/documentation-publications-and-data/under-study-list/chemical-substances-and-other-issues-under-study-bei) into a two-tier list. Tier 1, which consists of chemical substances and physical agents that may move forward as an NIC or NIE in **2016**, includes **cadmium and inorganic compounds**. ACGIH® typically announces NICs and NIEs in late January or early February. Comments will be due **May 31, 2016**. More information regarding the BEI® development process is available [online](http://www.acgih.org/TLV/DevProcess.htm).

**House Subcommittee Holds Hearing On National Strategic And Critical Minerals Production Act; Committee Passes Bill**

The House Natural Resources Subcommittee on Energy and Mineral Resources held a [hearing](http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=398839) on June 25, 2015, on 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). The bill would require the Secretary of the Interior and the Secretary of Agriculture to develop more efficiently domestic sources of the minerals and mineral materials of strategic and critical importance to U.S. economic and national security and manufacturing competitiveness. The Subcommittee heard testimony from the following witnesses:

* The Honorable Mark Amodei (R-NV), Member of Congress and sponsor of H.R. 1937;
* Mr. Mark Fellows, SNL Metals & Mining, Director of Consulting, on behalf of the NMA;
* Mr. Luke Russell, Vice President, External Affairs, Hecla Mining Company;
* Mr. Jeffery A. Green, President, J.A. Green & Company; and
* Mr. Sam Kalen, Winston S. Howard Distinguished Professor of Law, Co-Director, Center for Law and Energy Resources in the Rockies, University of Wyoming College of Law.

The bill would define strategic and critical minerals as those that are necessary for national defense and national security requirements; for the energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; and for economic security and balance of trade. Representative Alan Lowenthal (D-CA), Ranking Member of the Subcommittee, stated that this definition is too broad and “every single mineral out there would meet this definition of critical.” Subcommittee Chair Doug Lamborn (R-CO) stated: “Criticality is in the eye of the beholder. If it’s needed for your process then, yes, it is critical.” The House Natural Resources Committee passed the bill on July 9, 2015, by a vote of 22 to 14.

**CBO Releases Cost Estimate For Implementing Secret Science Reform Act Of 2015**

On June 5, 2015, CBO released its [estimate](http://www.cbo.gov/publication/50278) for EPA’s cost to implement the Secret Science Reform Act of 2015 (S. 544), which the Senate Environment and Public Works Committee passed on April 28, 2015, 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. Although S. 544 would not require EPA to disseminate any scientific or technical information that it relies on to support covered actions, CBO notes that the bill would not prohibit EPA from doing so. CBO states that, based on information from EPA, it “expects that EPA would spend $250 million annually over the next few years to ensure the transparency of information and data supporting some covered actions, assuming the availability of appropriated funds.” The House passed similar legislation (H.R. 1030) on March 18, 2015. President Obama has threatened to veto the bill.

**CPSC Promulgates Direct Final Rule Concerning Heavy Elements In Unfinished And Untreated Wood**

On July 17, 2015, CPSC promulgated a direct final rule determining that unfinished and untreated trunk wood does not contain heavy elements that would exceed the limits specified in the CPSC’s toy standard, ASTM F963-11. Based on this determination, unfinished and untreated wood in toys does not require third party testing for the heavy element limits in ASTM F963. The notice states:

For **cadmium**, the studies examined showed **cadmium** in tree core samples and wood at levels below the ASTM solubility limit of 75 ppm. Studies that measured **cadmium** in hydroponic samples showed **cadmium** levels in root, stem bark, stem wood, and leaf parts above 75 ppm. In a similar manner, shoots grown in pots containing varying amounts of **cadmium** added, showed **cadmium** concentrations above the ASTM solubility limit in leaves, stems, and roots.

The rule will be effective on **September 15, 2015**, unless CPSC receives a significant adverse comment by **August 17, 2015**. If CPSC receives a timely significant adverse comment, it will publish notification in the *Federal Register*, withdrawing the direct final rule before its effective date.

**EPA And OSHA Release Chemical Safety Alert On Safer Technology And Alternatives**

June 2015 marked the one-year anniversary of *EO 13650 Actions to Improve Chemical Facility Safety and Security -- A Shared Commitment: Report for the President*. On June 9, 2015, EPA’s OEM announced that the EO Working Group released a [fact sheet](https://www.osha.gov/chemicalexecutiveorder/EO13650FS-ImprovingChemicalFacilitySafety.pdf) on the accomplishments to date on improving chemical facility safety and security since publication of the *Report to the President*. As part of the ongoing federal effort to improve chemical risk management, several documents related to the EO Working Group’s progress were published, including a [*Chemical Safety Alert: Safer Technology and Alternatives*](http://www2.epa.gov/rmp/chemical-safety-alert-safer-technology-and-alternatives). The Alert is intended to introduce safer technology concepts and general approaches. It explains the concepts and principles and provides brief examples of the integration of safer technologies into facility risk management activities. Sources of information on process hazard analysis and inherently safer approaches to process safety are included. EPA and OSHA are committed to developing voluntary guidance for facility owners and operators that will offer a more thorough examination of alternative measures and safety techniques, and how these might be applied to existing processes to reduce further chemical and process risks.

**MSHA Revising Criteria And Procedures For Assessment Of Civil Penalties**

According to an item in MSHA’s Spring 2015 Regulatory Agenda, which was posted on May 21, 2015, MSHA intends to promulgate a final rule for criteria and procedures for assessment of civil penalties in **December 2015**. EPA published on July 31, 2014, a proposed rule that would amend MSHA’s civil penalty regulation to simplify the criteria, which MSHA states will promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties and facilitate the resolution of enforcement issues. According to MSHA, the proposal would place a greater emphasis on the more serious safety and health conditions and provide improved safety and health for miners. MSHA also proposed alternatives that would address the scope and applicability of its civil penalty regulation.

**MSHA Examines Working Places In Metal And Nonmetal Mines**

According to an item in MSHA’s Spring 2015 Regulatory Agenda, which was posted on May 21, 2015, MSHA intends to issue an RFI on the examination of working places in metal and nonmetal mines to determine the adequacy of MSHA’s existing standards. According to the item, “[r]ecent fatalities in metal and nonmetal mines raised concerns that persons who examine workplaces do not always identify conditions that may adversely affect safety or health or that operators do not correct such identified conditions in a timely manner.” MSHA is seeking information, data, and comment on whether the existing standards should be revised. MSHA would seek information relative to persons conducting the examination, the quality of the examination, and the recordkeeping provision. MSHA also is considering whether issuing guidance or disseminating best practices regarding the existing standards would effectively accomplish its goal of providing miners a safe working place. MSHA intends to issue the RFI in **September 2015**.

**NMA Study Finds Permit Delays Harm Mining Investment And Minerals Supply Chain**

NMA [announced](http://www.nma.org/index.php/press-releases-2013/2209-study-finds-permit-delays-harm-mining-investment-minerals-supply-chain) on June 25, 2015, a study entitled [*Permitting, Economic Value and Mining in the United States*](http://mineralsmakelife.org/assets/images/content/resources/SNL_Permitting_Delay_Report-Online.pdf), which shows how delays in the U.S. mine permitting process diminish the value of a minerals project. NMA commissioned SNL Metals & Mining to conduct a study demonstrating the economic impact of mining project permitting delays in the U.S. SNL Metals & Mining researched selected mining projects at various stages of operations and permitting to assess the delays that are associated with mine permitting. The key findings include:

* Unexpected delays in the permitting process alone reduce a typical mining project’s value by more than one-third;
* The higher costs and increased risk that often arise from a prolonged permitting process can cut the expected value of a mine in half before production even begins; and
* The combined impact of unexpected, and open-ended, delays and higher costs and risks can lead to mining projects becoming financially unviable.

**OSHA Examining Outdated PELs**

According to an item in OSHA’s Spring 2015 Regulatory Agenda, which was posted on May 21, 2015, “[t]here is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA’s PELs are outdated and need revising in order to take into account newer scientific data that indicates that significant occupational health risks exist at levels below OSHA’s current PELs.” On October 10, 2014, OSHA published an RFI to solicit comment from the public on approaches it may take to reduce the risk of developing illness caused by exposure to hazardous chemicals. OSHA notes that the RFI does not address PSM issues, “but rather lower, longer-term exposures.”

**OSHA Will Continue Partnership With Health Canada To Coordinate Labeling And Classification Requirements For Hazardous Workplace Chemicals**

OSHA [announced](https://www.osha.gov/newsrelease/trade-20150528.html) on May 28, 2015, that it will continue its partnership with Health Canada to align U.S. and Canadian regulatory approaches regarding labeling and classification requirements for workplace chemicals through the RCC. According to OSHA, the goal of the partnership is to implement a system allowing the use of one label and one SDS that would be acceptable in both countries. OSHA and Health Canada signed an MOU in 2013 to promote ongoing collaboration on GHS implementation in their respective jurisdictions.

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

OSHA published a June 11, 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 General Industry Standard (29 C.F.R. Section 1910.1027). According to OSHA, the collection of information requirements specified in the Standard protect workers from the adverse health effects that may result from their exposure to **cadmium**. The major collection of information requirements 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, maintaining workers’ exposure monitoring and medical surveillance records for specific periods, and providing access to these records to the workers who are 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 8,309 burden hours (from 84,307 to 75,998 burden hours). The reduction is primarily the result of the determination that training delivery does not constitute a collection of information under PRA-95. OSHA estimates an increase in the number of exposed workers based upon updated data. As a result, the operation and maintenance costs have increased from $4,799,475 to $5,407,985, a total increase of $608,510 due to increased cost estimates for exposure monitoring sampling and medical exams. Comments are due **August 10, 2015**.

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

On June 29, 2015, Oxfam America filed a motion in the U.S. District Court for the District of Massachusetts for leave to file a request for judicial notice in support of its motion for summary judgment. *Oxfam Am. Inc. v. SEC*, No. 14-cv-13648. Oxfam notes that in its January 23, 2015, motion for summary judgment, it cited the 2014 Regulatory Agenda. At that time, the SEC stated that it would issue a new proposed rule to implement Section 1504 of the Dodd Frank Act in **October 2015**. Following the May 6, 2015, hearing on the motion and cross-motion for summary judgment, the Spring 2015 Regulatory Agenda was published. According to the Spring 2015 Regulatory Agenda, the SEC has postponed the rulemaking until **April 2016**. Oxfam argues that the postponement of the rulemaking is directly relevant to its argument that even if the SEC’s failure to meet a nondiscretionary rulemaking deadline does not trigger the requirement to compel agency action under APA Section 706(1), “the SEC has unreasonably delayed agency action and intends to continue to do so.” According to Oxfam, the postponement supports its argument that its requested relief is “both reasonable and necessary to ensure the SEC complies with its statutory mandate.” The SEC filed its response on June 30, 2015, to Oxfam’s motion. The SEC does not oppose the request that the court take judicial notice of the Spring 2015 Regulatory Agenda, “but the Commission does object to Oxfam’s characterization of what the Agenda reflects.” The SEC states that the Regulatory Agenda “reflects only that ‘the Commission *may* be unable to take further action with respect to these mandated rulemakings until **Spring 2016**.” According to the SEC, “that is precisely what the Commission represented to this Court in a March filing,” which “was made in anticipation of the publication of the Agenda and it remains fully consistent with the Agenda.”

**Codex Committee Continuing Work On Proposed Draft Maximum Level For Cadmium In Chocolate And Cocoa-Derived Products**

According to a June 11, 2015, *Federal Register* notice published by USDA’s FSIS, the Codex Committee on Contaminants in Foods will continue working on a proposed draft maximum level for **cadmium** in chocolate and cocoa-derived products. The notice, which covers Codex activities during the time periods from June 1, 2014, to May 31, 2015, and June 1, 2015, to **May 31, 2016**, seeks comments on standards under consideration and recommendations for new standards.

**STATE ISSUES**

***Minnesota***

**Biomonitoring Project Will Begin In 2015, Includes Cadmium**

MN FEET will measure mercury, lead, and **cadmium** in Minnesota women and their babies. According to MDH, the project will involve around 600 women who are Hmong, Somali, Latina, or White. MN FEET is part of a larger MN Biomonitoring effort to track exposures to chemicals in vulnerable Minnesota populations with a focus on pregnant women, children, and disadvantaged communities. It is being conducted in partnership with the HealthPartners Institute for Education and Research and the SoLaHmo Partnership for Health and Wellness at West Side Community Health Services. The MDH [website](http://www.health.state.mn.us/mnfeet) states that MN FEET will begin in **summer 2015**.

***New York***

**Westchester County Executive Signs Children’s Product Safety Act**

In May 2015, Westchester County Executive Rob Astorino signed the Children’s Product Safety Act, which prohibits the sales of children’s products or apparel that contain formaldehyde, benzene, lead, mercury, antimony, arsenic, **cadmium**, and cobalt. The bill will be enforced one year from becoming law. It is similar to the Albany County’s Toxic Free Toys Act, which was stayed in May 2015.

**Suffolk County Legislators Pass Toxic Free Toy Act**

On June 2, 2015, Suffolk County legislators unanimously passed the Toxic Free Toys Act, which would ban the sale of children’s products containing lead, mercury, antimony, arsenic, **cadmium**, and cobalt in Suffolk County. The Act would require inspectors to visit ten stores and test ten toys each quarter to test items for lead, mercury, antimony, arsenic, **cadmium**, and cobalt. Retailers would be informed if any of the metals in their products exceed levels set by the Act, and would face fines of $500 to $1,000 if they continue to sell the toys. Suffolk County Executive Steve Bellone signed the bill on June 23, 2015.

**Rockland County Passes Toxic Free Toys Act**

On June 16, 2015, the Rockland County legislature passed the Toxic Free Toys Act, which prohibits the sales of children’s products or apparel that contain benzene, lead, mercury, antimony, arsenic, **cadmium**, and cobalt. A coalition of 11 industry associations sent a [letter](https://www.wewear.org/assets/1/16/Industry_Opposition_Ref._No._8894.pdf) to Rockland County Executive Ed Day, asking him to veto the measure. According to the coalition, the bill would impose “impossible and redundant regulations on manufacturers and retailers.” In a July 8, 2015, [column](http://www.rocklandtimes.com/2015/07/08/the-county-executives-corner-the-opportunity-is-now/), Day stated that he did not sign or veto the bill, which he describes as including “ambiguous restrictions” that “are either ridiculously expensive or completely unenforceable.” Under the County legislative process, the unsigned bill is adopted as approved by the legislature, and will take effect 90 days from its filing with the Secretary of State.

***Oregon***

**Legislature Passes Toxic-Free Kids Act, Which Would Include Cadmium On List Of High Priority Chemicals Of Concern, Governor Signs Bill**

On July 1, 2015, the Senate passed the [Toxic-Free Kids Act](https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/SB478) (S.B. 478), which 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 Senate passed the bill by a vote of 18 to 11, and the House passed the bill on July 3, 2015, by a vote of 43 to 17. The bill would include on the list of high priority chemicals those chemicals that are listed on WDOE’s [list of chemicals of high concern to children](http://www.ecy.wa.gov/programs/swfa/cspa/chcc.html) as of the effective date of S.B. 478. WDOE’s list includes **cadmium** and **cadmium compounds**. The bill would also require OHA to post certain information on its website, and require manufacturers of certain children’s products to provide notice regarding listed chemicals. Under the bill, on or before the date on which a manufacturer of a children’s product submits the third biennial notice, the manufacturer must remove or make a substitution for the chemical, or seek a waiver, if the chemical is present in a children’s product that is mouthable; a children’s cosmetic; or made for, marketed for use by, or marketed to children under three years of age. On July 28, 2015, Governor Kate Brown (D) signed the bill.

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

On June 26, 2015, EPA filed its answer to NWEA’s suit in the U.S. District Court for the District of Oregon for failing to promulgate replacement aquatic life toxics criteria for Oregon. *NWEA v. EPA*, No. 3:15-cv-0663. EPA argues that NWEA’s complaint fails to state a claim upon which relief can be granted. EPA asks the court to deny NWEA’s request for an order requiring EPA to prepare and publish promptly proposed water quality standards for aluminum, ammonia, **cadmium**, and copper applicable to Oregon. NWEA filed an amended complaint on July 24, 2015. The amended complaint states:

**Cadmium** is considered one of the most toxic metals to fish; it is a known carcinogen and can affect respiration, immune response, growth, and reproduction in freshwater organisms. Background concentrations of **cadmium** in Oregon’s rivers and streams are typically low, but anthropogenic sources of **cadmium** have increased its presence in the environment considerably. Sources of **cadmium** in Oregon’s surface waters include mining and ore smelting, discharges from industrial processes including electroplating and the manufacture of batteries and electronic components, and stormwater runoff.

The minutes of a July 24, 2015, scheduling conference includes the following deadlines:

* Any responsive pleading is due **July 29, 2015**;
* Joint statement of agreed material facts is due **August 7, 2015**;
* Plaintiff’s motion for summary judgment is due **August 14, 2015**;
* Any cross-motion shall be filed separately and as a stand alone motion on the date the opposition is due, which is **September 30, 2015**;
* Reply and opposition to any cross-motion shall be filed separately and as a stand alone motion and is due **November 13, 2015**;
* Reply to any cross-motion filed is due **December 4, 2015**; and
* Oral argument is set for **January 8, 2016**.

***Virginia***

**Proposed Amendment Includes More Stringent Cadmium Criteria For Protection Of Freshwater Aquatic Life**

The June 29, 2015, *Virginia Register of Regulations* includes a [notice](http://register.dls.virginia.gov/details.aspx?id=5024) from the State Water Control Board announcing several proposed amendments, including an amendment to the **cadmium** criteria for the protection of freshwater aquatic life based on more recent EPA guidance issued in 2001 and updated with additional revisions included in a report published by the U.S Geological Survey in 2010. The notice states that the proposed **cadmium** criteria are more stringent by about 50 percent compared to the existing Virginia criteria, but less stringent than EPA’s 2001 recommendations. The VDEQ will hold a public hearing on **July 29, 2015**. Comments are due **August 28, 2015**.

***Washington***

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

On May 29, 2015, H.B. 1049, and S.B. 5021, and S.B. 6042 were reintroduced and retained in present status during the legislature’s second special session. On June 28, 2015, during the third special session, the bills were reintroduced and retained in 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 third special session adjourned on July 10, 2015.

**House Reintroduces And Retains Bill That Would Use Chemical Action Plans To Require Safer Chemicals**

On May 29, 2015, H.B. 1472 was reintroduced and retained in its present status during the second special session. On July 9, 2015, the bill was returned to the House Committee on Rules. 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;
* WDOE may require information from manufacturers of products that contain a chemical selected for a chemical action plan;
* Consistent with a recommendation in a chemical action plan, WDOE is authorized to require manufacturers, by order, to conduct alternatives assessments; and
* 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.

The third special session adjourned on July 10, 2015. More information regarding the bill is available in our May 28, 2015, Update.

**Senate Reintroduces And Retains Bill Concerning The Use Of Chemical Action Plans**

During the second special session, on May 29, 2015, S. 5056 was reintroduced and retained in its present status. On June 28, 2015, during the third special session, the bill 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.

The third special session adjourned on July 10, 2015.

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

On May 29, during the second special session, S.B. 5077 was reintroduced and retained. During the third special session, the bill was reintroduced and retained on June 28, 2015. The bill provides a budget for July 1, 2015, through **June 30, 2017**, and includes a provision requiring WDOH to “evaluate whether the ASTM F2923-14 standard adequately protects the children of Washington from exposure to **cadmium** from children’s jewelry.” The third special session adjourned on July 10, 2015. More information regarding the bill is available in our May 28, 2015, Update.

**INTERNATIONAL ISSUES**

**CANADA**

**Canada’s Extractive Sector Transparency Measures Act Entered Into Force June 1**

The Extractive Sector Transparency Measures Act entered into force on June 1, 2015. In a June 1, 2015, [press release](http://news.gc.ca/web/article-en.do?nid=982369), Natural Resources Canada stated: “This multilateral mandatory reporting initiative will help to ensure that Canada’s resource industries continue to prosper and to provide the broad economic benefits that are fundamental to Canada’s success. The implementation of this Act ensures that Canada remains at the forefront of international standards of transparency.” The Act received Royal Assent on December 16, 2014. After June 1, 2015, all extractive companies subject to the Act will be required to report payments, including taxes, royalties, fees, and production entitlements of $100,000 or more to all levels of government in Canada and abroad. According to the press release, during an August 2014 annual meeting between federal, provincial, and territorial ministers responsible for energy and mining, the ministers agreed the Act would include a deferral until **June 1, 2017**, for reporting entities to report on payments made to Aboriginal governments in Canada.

**BC First Nations Energy And Mining Council Publishes Tailings Ponds Report**

On June 2, 2015, the BC First Nations Energy and Mining Council published a report entitled [*Uncertainty Upstream: Potential Threats from Tailings Facility Failures in Northern British Columbia*.](http://fnemc.ca/?portfolio=uncertainty-upstream) The report provides “a comprehensive summary of potential threats from future tailings facility failures in Northern BC, as well as act a cautionary exercise for future planning given the increase in interest and capacity for future mining operations throughout the region.” The report calls for:

* The protection of entire river, lake, and wetland ecosystems from industrial activities and impacts;
* Renewed focus on establishing headwater-to-mouth watershed protected areas for river systems with full complements of migratory fish to compensate for freshwater habitat and biodiversity lost and impaired in other watersheds;
* Protected areas that encompass watersheds and waterways to ensure rivers remain intact and hydrological flows are unimpaired;
* Mining companies and governments to ensure that impacted communities secure lasting, long-term economic benefits that enhance community health and sustainability; and
* Communities and the public to be protected by funding mechanisms for unanticipated post mine-closure impacts or financial burdens for clean-up and remediation.

**Canada’s Third Report On Exposure To Environmental Chemicals Includes Cadmium**

On July 15, 2015, Health Canada [announced](http://news.gc.ca/web/article-en.do;jsessionid=be92ce1489bd341565fa4a025b7cfe6fbb22684d33e46b8e396619ed00a86718.e38RbhaLb3qNe38Sc3j0?mthd=advSrch&crtr.page=1&crtr.dpt1D=6676&nid=1001049) the release of its [*Third Report on Human Biomonitoring of Environmental Chemicals in Canada*](http://www.hc-sc.gc.ca/ewh-semt/contaminants/human-humaine/index-eng.php). The report provides the results of the biomonitoring component of the CHMS and presents comprehensive data on the exposure of the Canadian population to environmental chemicals, including metals and trace elements, including **cadmium**. The data for the third cycle were collected between January 2012 and December 2013 from approximately 5,800 Canadians aged three to 79 years at 16 sites across Canada. The third cycle included the measurement of 48 environmental chemicals, including 33 that have been measured in previous cycles. According to Health Canada, planning for future cycles is underway.

**Draft Screening Assessment For Selenium Includes Several Cadmium Compounds**

Environment Canada and Health Canada published a [notice](http://gazette.gc.ca/rp-pr/p1/2015/2015-07-18/html/notice-avis-eng.php#ne2) in the July 18, 2015, *Canada Gazette* announcing the availability of the draft screening assessment and the risk management scope document. The draft screening assessment focuses on the selenium moiety, and includes substances containing selenium in all oxidation states (selenite, selenate, elemental, selenide), organic selenium, and all forms of selenium found in the environment. The selenium assessment encompasses all 29 selenium-containing substances on the DSL, including those that met the categorization criteria. These substances include **cadmium selenide (CdSe)**, **cadmium selenide sulfide (Cd2SeS)**, and **cadmium selenide sulfide (Cd(Se,S))**. The draft screening assessment proposes to conclude that “selenium and its compounds,” which includes, but is not limited to, the 29 selenium-containing substances on the DSL, are harmful to the environment and human health and therefore meet the criteria under CEPA Paragraph 64(a) and 64(c). Canada proposes that selenium and its compounds be recommended for addition to the List of Toxic Substances in CEPA Schedule 1 based on environmental and human health concerns. Comments on the draft screening assessment and risk management scope document are due **September 16, 2015**.

**Canada Begins Mandatory Survey With Respect To Certain Nanomaterials In Canadian Commerce, Including Several Cadmium Compounds**

The July 25, 2015, *Canada Gazette* includes a [notice](http://www.gazette.gc.ca/rp-pr/p1/2015/2015-07-25/html/notice-avis-eng.php) announcing that the Minister of the Environment requires, for the purpose of assessing whether the substances described in the notice are toxic or are capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control the listed substances, any person described in the notice who possesses or who may reasonably be expected to have access to the information required to provide that information. The notice applies to a substance that has a size of between 1 and 100 nanometers in at least one external dimension, or internal or surface structure; and is provided in the list in Schedule 1 of the notice. The list includes over 200 substances, including:

|  |  |
| --- | --- |
| **CAS No.** | **Substance Name** |
| 1306-23-6 | **Cadmium sulfide (CdS)** |
| 1306-24-7 | **Cadmium selenide (CdSe)** |
| 1306-25-8 | **Cadmium telluride** |
| 12014-14-1 | **Cadmium titanium oxide (CdTiO3)** |
| 12214-12-9 | **Cadmium selenide sulfide (Cd2SeS)** |
| 12442-27-2 | **Cadmium zinc sulfide ((Cd,Zn)S)** |
| 12626-36-7 | **Cadmium selenide sulfide (Cd(Se,S))** |
| 68512-49-2 | **Cadmium zinc sulfide ((Cd,Zn)S), copper chloride-doped** |

The notice applies to any person who, during the 2014 calendar year, manufactured a total quantity greater than 100 kg of a substance set out in Schedule 1. The notice also applies to any person who, during the 2014 calendar year, imported a total quantity greater than 100 kg of a substance set out in Schedule 1, at any concentration, whether alone, in a mixture, or in a product. The notice does not apply to a substance in Schedule 1, whether alone, in a mixture, or in a product, that:

(a) Is in transit through Canada;

(b) Is naturally occurring;

(c) Is incidentally produced;

(d) Is, or is contained in, a hazardous waste or hazardous recyclable material within the meaning of the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations and that was imported in 2014 pursuant to a permit issued under those Regulations;

(e) Is, or is contained in, a pest control product within the meaning of subsection 2(1) of the Pest Control Products Act where that pest control product is registered under the Pest Control Products Act;

(f) Is, or is contained in, a fertilizer or supplement within the meaning of section 2 of the Fertilizers Act where that fertilizer or supplement is registered under the Fertilizers Act;

(g) Is, or is contained in, a feed within the meaning of section 2 of the Feeds Act where that feed is registered under the Feeds Act; or

(h) Is mixed with, or attached to, a seed within the meaning of section 2 of the Seeds Act where that seed is registered under the Seeds Act.

Information to be provided includes:

* The basis on which the substance identified was determined to be in nanoscale form by indicating “research & development sources,” “technical data,” “information available from patents,” “marketing claim,” “assumption,” or “other (specify)”;
* The total quantity of the substance manufactured or imported;
* The consumer and commercial codes that apply to the known or anticipated final substance, mixture, or product containing the substance;
* For each applicable consumer and commercial code, whether any known or anticipated final substance, mixture, or product containing the substance is intended for use in commercial activities;
* For each applicable consumer and commercial code, whether any known or anticipated final substance, mixture, or product containing the substance is intended for use in consumer activities;
* For each applicable consumer and commercial code, whether any known or anticipated final substance, mixture, or product containing the substance is intended for use by or for children 14 years of age or younger; and
* The study title(s) of any unpublished or published data or studies on the substance with regard to physical-chemical properties, bioaccumulation, persistence, toxicity, metabolism, degradation, release, or disposal of the substance from the final mixture or product.

Any person who provides information in response to this notice may submit a written request that the information or part of it be treated as confidential. Responses are due **February 23, 2016**.

**Proposed Cribs, Cradles And Bassinets Regulations Would Limit Cadmium In Surface Coating**

Health Canada published in the July 25, 2015, *Canada Gazette* proposed Cribs, Cradles and Bassinets Regulations. According to the [notice](http://gazette.gc.ca/rp-pr/p1/2015/2015-07-25/html/reg1-eng.php), in collaboration with the ASTM International working groups for cribs, cradles, and bassinets, Health Canada identified hazards not addressed by the current Regulations, and is proposing to introduce new Regulations to address these hazards. The notice states that the new Regulations would also further align the Canadian requirements for cribs, cradles, and bassinets with the requirements established by the CPSC, which reference in law the ASTM standards for cribs, cradles, and bassinets. The proposed Regulations would require every crib, cradle, bassinet, accessory, and stand be free from any surface coating that contains any of the following substances:

(a) More than 90 mg/kg total lead;

(b) Any compound of antimony, arsenic, **cadmium**, selenium or barium if more than 0.1 percent of the compound dissolves in five percent hydrochloric acid after being stirred for 10 minutes at 20°C; or

(c) Any compound of mercury.

Publication of the proposed Regulations began a 75-day comment period.

**CHINA**

**Children’s Textiles Standard Limits Cadmium**

On May 25, 2015, the Standardization Administration of China [issued](http://www.sac.gov.cn/sbgs/syxw/201505/t20150526_188994.htm) GB 31701-2015, the safety technical code for infants’ and children’s textile products. It specifies the technical requirements for textile products, and includes information on testing methods and inspection rules. Beginning **June 1, 2016**, the standard limits lead, **cadmium** (100 ppm), and six phthalates. The limits apply only to coated, pigment-dyed, and/or printed fabrics. A two-year transition period will run from **June 1, 2016**, to **May 31, 2018**. During this period, products manufactured before **June 1, 2016**, may be sold on the market as long as they meet the criteria of the standard. Cloth and plush toys, cloth crafts, disposable hygiene products, bags, backpacks, umbrellas, carpets, and professional sportswear are not included within the scope of the standard.

**Greenpeace East Asia Claims Pollution And Illness Ignored At Asia’s Largest Lead Mine**

On June 9, 2015, Greenpeace East Asia [announced](http://www.greenpeace.org/eastasia/press/releases/toxics/2015/Greenpeace-lead-pollution-illness/) that soil samples collected near Asia’s largest zinc and lead mine and smelting plant, in Yunnan Province, show severe heavy metal contamination. In April 2015, researchers took samples of soil, household dust, and river water in the town of Jinding, near the border with Myanmar, and sent them to an independent laboratory for testing. According to Greenpeace East Asia, tests showed that **cadmium** and lead contamination in the area is widespread, and the samples’ **cadmium**, lead, and zinc content have a direct correlation to proximity to the Jinding Zinc Industrial Smelting Plant.

**Mandatory Standard Will Restrict Six Hazardous Substances, Including Cadmium, In Cars**

Beginning **January 1, 2016**, a mandatory standard will restrict the use of six hazardous substances in passenger vehicles. GB/T 30512-2014: Requirements for prohibited substances in automobiles is being implemented as part of a ten-year national sustainability plan that includes improving the environmental record of car manufacturers. Restrictions will be imposed on lead, **cadmium**, mercury, hexavalent chromium, PBBs, and PBDEs. Threshold limits are set at 0.1 percent for all substances except **cadmium**, at 0.01 percent. MIIT [Bulletin No. 38](http://www.miit.gov.cn/n11293472/n11293832/n12845605/n13916898/16628604.html) states that, from **January 1, 2016**, manufacturers seeking type approval for new vehicles must include information on the restricted substances. The standard applies only to Chinese manufacturers and international companies involved in joint ventures with Chinese manufacturers. For existing models already on the road or in production, the standard will be phased in and will apply from **January 1, 2018**.

**INDIA**

**Draft Regulations Would Limit Heavy Metals, Including Cadmium, In Range Of Food Items**

FSSAI issued in June 2015 proposed regulations for heavy metal content in a range of food items that would not only hold traders accountable but motivate farmers to farm responsibly and adopt good practices. The draft regulations would limit lead, arsenic, tin, **cadmium**, and mercury in food items such as fruits and vegetables, including canned ones, processed food, meat, fish, edible oils, pulses, canned juice, mango pickle, and jams. According to an FSSAI spokesperson, the use of untreated sewage for the cultivation of vegetables and other items around urban areas was the main reason for increasing levels of heavy metals. The spokesperson stated: “If farmers become responsible and government agencies take note, things will improve.”

**JAPAN**

**Japan’s MHLW Will Amend ISHL, Creating Labeling Exemption For Cadmium**

MHLW [announced](http://www.mhlw.go.jp/stf/houdou/0000086168.html) on May 20, 2015, that its Labor Policy Council recently approved a proposed ordinance to introduce ISHL amendments that would:

* Require companies to conduct risk assessments on hazardous or harmful chemicals required to have SDSs;
* Expand labeling requirements to cover 640 substances;
* Create an exemption to the labeling requirement for the following simple substances, except when they are in powder form: yttrium, indium, **cadmium**, silver, chromium, cobalt, tin, thallium, tungsten, tantalum, copper, lead, nickel, platinum, hafnium, ferrovanadium, manganese, molybdenum, and rhodium;
* Establish cut-off values for chemicals newly added to the labeling obligation. If a chemical contained in a product is less than the cut-off value, it is exempt from the labeling obligation; and
* Revise the cut-off values for chemicals currently subject to labeling.

MHLW intended to promulgate the amendments in June 2015, to take effect **June 1, 2016**.

**Japan Amends Poisonous And Deleterious Substance Lists**

Effective July 1, 2015, MHLW amended the list of poisonous and deleterious substances. The amendments include removing the following two substances from the separate list of substances that are considered both poisonous and deleterious:

* **Cadmium sulfoselenide red and its compounds**; and
* **Cadmium sulfoselenide orange and its compounds**.

**SOUTH KOREA**

**South Korea’s List Of Priority Existing Chemical Substances Includes Cadmium**

On July 1, 2015, MOE published the final list of priority existing chemical substances for registration under K-REACH. The list of 510 existing chemical substances includes **cadmium**, as well as several **cadmium compounds**. Companies manufacturing or importing listed substances in amounts greater than one tonne per year will have three years to prepare their registration dossiers, for submission by **June 30, 2018**.

**South Korea Publishes Draft Amendment To Ministerial K-REACH Decree**

MOE published on July 10, 2015, a draft amendment to the Ministerial Decree for K-REACH. The draft amendment would simplify the dossier submission requirements and appointment of ORs, and introduce measures intended to protect CBI. The revisions would:

* Reduce the data requirement for small volume imports (under 100 kg) if importing for R&D purposes;
* Exempt data on the disposal of unused substances if importing in volumes below 100 kg;
* Unify the authority to which OR appointment records must be submitted under NIER;
* Remove duplicated items on low volume registration application forms;
* Remove the requirement for data on the import volume of each importer from forms 1, 2, 3, 6, 8, and 12; and
* If manufacture or import volumes are lower than one tonne per year, not require reports on post management results.

Comments are due **August 20, 2015**.

\* \* \* \* \*

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

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

**APA** -- Administrative Procedure Act

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

**BC** -- British Columbia

**BEI®** -- Biological Exposure Indices

**CAA** -- Clean Air Act

**CAS No.** -- Chemical Abstracts Service Number

**CBI** -- Confidential Business Information

**CBO** -- Congressional Budget Office

**CDX** -- Central Data Exchange

**CEPA** -- Canadian Environmental Protection Act, 1999

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

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

**CHMS** -- Canadian Health Measures Survey

**CPSC** -- Consumer Products Safety Commission

**CWA** -- Clean Water Act

**DSL** -- Domestic Substances List

**ECOS** -- Environmental Council of States

**EO** -- Executive Order

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

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

**e-PMN** -- Electronic Premanufacture Notice

**FSIS** -- Food Safety and Inspection Service

**FSSAI** -- Food Safety and Standards Authority of India

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

**HCS** -- Hazard Communication Standard

**ICdA** -- International Cadmium Association

**ISHL** -- Industrial Safety and Health Law

**kg** -- Kilogram

**K-REACH** -- Act for the Registration and Evaluation of Chemicals

**MDH** -- Minnesota Department of Health

**mg/kg** -- Milligram Per Kilogram

**MHLW** -- Ministry of Health, Labor, and Welfare

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

**MN FEET** -- Minnesota Family Environmental Exposure Tracking

**MOE** -- Ministry of Environment

**MOU** -- Memorandum of Understanding

**MSHA** -- Mine Safety and Health Administration

**NCSL** -- National Conference of State Legislatures

**NGO** -- Non-Governmental Organization

**NIC** -- Notice of Intended Changes

**NIE** -- Notice of Intent to Establish

**NIER** -- National Institute of Environmental Research

**NMA** -- National Mining Association

**NPRM** -- Notice of Proposed Rulemaking

**NWEA** -- Northwest Environmental Advocates

**OEM** -- Office of Emergency Management

**OHA** -- Oregon Health Authority

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

**OR** -- Only Representative

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

**PBB** -- Polybrominated Biphenyl

**PBDE** -- Polybrominated Diphenyl Ether

**PEL** -- Permissible Exposure Limit

**ppm** -- Part Per Million

**R&D** -- Research and Development

**RCC** -- Regulatory Cooperation Council

**RFI** -- Request for Information

**RMP** -- Risk Management Plan

**SDS** -- Safety Data Sheet

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

**SNUR** -- Significant New Use Rule

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

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

**VDEQ** -- Virginia Department of Environmental Quality

**WDOE** -- Washington Department of Ecology

**WDOH** -- Washington Department of Health

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)