#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**January 28, 2018**[[1]](#footnote-1)

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**FEDERAL ISSUES**

**CERCLA ISSUES**

**EPA Will Not Proceed With** **Final Rule Regarding Financial Responsibility Requirements For Hardrock Mining Industry**

EPA [announced](https://www.epa.gov/newsreleases/epa-determines-risks-hardrock-mining-industry-minimal-and-no-need-additional-federal) on December 1, 2017, that it will not issue final regulations for financial responsibility requirements for certain hardrock mining facilities. The January 11, 2017, proposed rule would have required owners and operators of certain classes of hardrock mines and mineral processing facilities to show financial ability to address risks from hazardous substances. For purposes of the final rule, EPA notes that it includes within the term “hardrock mining” the facilities included in the definition of that term developed for purposes of the Priority Notice, that is, facilities that 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). EPA states that it analyzed the need for financial responsibility based on risk of taxpayer-funded cleanups at hardrock mining facilities operating under modern management practices and modern environmental regulations, *i.e*., the type of facilities to which financial responsibility regulations would apply. According to EPA, the risk of taxpayer-funded cleanups is identified by examining the management of hazardous substances at hardrock mining facilities, as well as by examining federal and state regulatory controls on that management and federal and state financial responsibility requirements. With that focus, the record demonstrates that, in the context of CERCLA Section 108(b), the degree and duration of risk associated with the modern production, transportation, treatment, storage, or disposal of hazardous substances by the hardrock mining industry does not present a level of risk of taxpayer-funded response actions that warrant imposition of financial responsibility requirements for this sector. EPA states that this determination reflects its interpretation of the statute, its evaluation of the record for the proposed rule, and the public comment received by EPA. According to EPA’s December 1, 2017, press release, state mining and environmental regulators, as well as other federal agencies and the regulated community and financial sectors, commented that the proposed requirements would potentially interfere with state and local mining regulations, were unnecessary, and would be difficult to implement. EPA notes that its decision “does not in any way affect EPA’s authority to take appropriate response actions under CERCLA.” As reported in our March 28, 2016, Update, on January 29, 2016, the U.S. Court of Appeals for the District of Columbia Circuit approved a joint motion filed by NGO petitioners and EPA for an order on consent regarding CERCLA Section 108(b) rulemaking for the hardrock mining industry. *In re Idaho Conservation League*, No. 14-1149. The consent order required EPA to publish a notice of final action by December 1, 2017. EPA will publish its decision in the *Federal Register*. EPA has posted a [pre-publication version](https://www.epa.gov/sites/production/files/2017-12/documents/108b_hardrock_final_12012017.pdf) of the notice. More information regarding the January 11, 2017, proposed rule is available in our January 28, 2017, Update.

**Senate Subcommittee Holds Hearing On Challenges Facing Superfund And Waste Cleanup Efforts Following Natural Disasters**

On December 6, 2017, the Senate Environment and Public Works Subcommittee on Superfund, Waste Management, and Regulatory Oversight held a hearing on “[Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters](https://www.epw.senate.gov/public/index.cfm/2017/12/challenges-facing-superfund-and-waste-cleanup-efforts-following-natural-disasters).” The Committee heard testimony from:

* Bryan W. Shaw, Chair, Texas Commission on Environmental Quality;
* Tracy Hester, Professor, University of Houston Law Center; and
* Matthew Rodriquez, Secretary, California Environmental Protection Agency.

During the hearing, Hester identified minor CERCLA amendments that would make responses at Superfund sites more resilient in the face of natural disasters. He suggested Congress amend remedy selection by adding a new subsection to “explicitly direct the agency to select a remedy that minimizes the risk of future releases from natural disasters or extreme weather events.” Hester noted that some potentially responsible parties are raising questions about whether a hurricane like Harvey or other 500- or 1000-year storms will be considered an “act of God,” and whether they will be required to clean up sites that already have been remediated. He suggested that Congress clarify that this defense “not apply to natural disasters (even if unprecedented) that can be reasonably foreseen and mitigated.”

**EPCRA ISSUES**

**EPA Could Add Parent Company Definition For TRI Reporting**

According to an [item](https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=2070-AK42) in EPA’s Fall 2017 Unified Agenda, the TRI Program is considering whether to propose to codify a definition of parent company for reporting purposes. EPA states that the rulemaking would clarify existing guidance and provide guidance for facilities owned by public entities, multiple entities, and entities with several layers of ownership. According to EPA, providing the definition would clarify reporting requirements and increase the quality of TRI data by increasing consistency in the reporting of parent company and improving trend analyses across ownership structures.

**EPA Adopts 2017 NAICS Codes For TRI Reporting**

On December 26, 2017, EPA promulgated a [final rule](https://www.federalregister.gov/documents/2017/12/26/2017-27815/community-right-to-know-adopting-2017-north-american-industry-classification-system-naics-codes-for) updating the list of NAICS codes subject to TRI reporting to reflect the OMB 2017 NAICS code revision. The final rule addresses an adverse comment submitted on EPA’s August 17, 2017, proposed rule. The final rule amends 40 C.F.R. Part 372 to include the relevant 2017 NAICS codes for TRI reporting and modifies the list of exceptions and limitations previously included in the C.F.R. for the applicable NAICS codes for TRI reporting purposes. EPA notes that while the TRI reporting requirements remain unchanged, due to the 2017 NAICS modifications, some facilities will need to modify their reported NAICS codes. The adverse comment on the proposed rule stated that the list of updated codes was incomplete in that it did not include the update to the code for natural gas extraction facilities. EPA states that it agrees with that comment and is including the update for that NAICS code. The final rule was effective on January 1, 2018.

**MINING AND MINERAL ISSUES**

**President Issues Proclamations Shrinking Monuments; Bills Would Prevent New Mining Claims**

On December 5, 2017, President Donald Trump issued Presidential Proclamations modifying the [Bears Ears National Monument](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-modifying-bears-ears-national-monument/) and the [Grand Staircase-Escalante National Monument](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-modifying-grand-staircase-escalante-national-monument/). According to Trump’s Proclamation concerning the Bears Ears National Monument, given the nature of the objects identified on the lands reserved by former President Barack Obama’s Proclamation, the lack of a threat of damage or destruction to many of those objects, and the protection for those objects already provided by existing law and governing land-use plans, the area of federal land reserved is not confined to the smallest area compatible with the proper care and management of those objects. Trump’s Proclamation concerning the Grand Staircase-Escalante National Monument states that in light of the research conducted since designation, the current bounders are greater than the smallest area compatible with the protection of the objects for which lands were reserved. The Proclamations state that revising the boundaries of the Monuments to cover smaller areas will ensure that, in accordance with the Antiquities Act, they are no larger than necessary for the proper care and management of the objects to be protected within the Monuments.

Congressional Republicans have introduced bills that would ban new mining claims and oil and natural gas leasing from the original area of the Bears Ears National Monument. The Shash Jaa National Monument and Indian Creek National Monument Act (H.R. 4532), introduced by Representative John Curtis (R-UT) with support from Representative Rob Bishop (R-UT), would ban mining in the whole of the area designated by former President Barack Obama in 2016, not just in the areas remaining after Trump’s changes. The House Natural Resources Subcommittee on Federal Lands held a [legislative hearing](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=403678) on H.R. 4532 on January 9, 2018. Witnesses included:

* Utah Governor Gary R. Herbert (R);
* Suzette Morris, White Mesa Ute Community, Member of Posy Band Ute Tribe;
* The Honorable Shaun Chapoose, Ute Tribal Business Committee Member, Ute Indian Tribe; and
* Matthew Anderson, Director, Coalition for Self-Government in the West, Sutherland Institute.

The Subcommittee issued a January 9, 2018, [press release](https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=403727) summarizing testimony at the hearing. The Subcommittee is scheduled to hold another [legislative hearing](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=403822) on the bill on **January 30, 2018**.

Representative Chris Stewart (R-UT) introduced the Grand Staircase Escalante Enhancement Act (H.R.4558), which would create a national park in part of the Grand Staircase-Escalante National Monument. The House Natural Resources Subcommittee on Federal Lands held a [legislative hearing](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=403557) on the bill on December 14, 2017. Witnesses included:

* Former Utah Governor Mike Leavitt;
* The Honorable Leland Pollock, Commission Chairperson, Board of Commissioners, Garfield County, Utah;
* Susan Hand, General Manager and Outdoor Goods Buyer, Willow Canyon Outdoor; and
* Vicki Varela, Managing Director, Utah Office of Tourism, Film and Global Branding.

According to the Subcommittee’s December 14, 2017, [press release](https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=403662) regarding the hearing, the bill would establish a Management Council made up of local stakeholders and elected leaders directed to develop land management plans for relevant federal agencies.

**House Subcommittee Holds Hearing On Consequences Of America’s Growing Dependence On Foreign Minerals**

The House Natural Resources Subcommittee on Energy and Mineral Resources held a December 12, 2017, oversight hearing on “[Examining Consequences of America’s Growing Dependence on Foreign Minerals](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=403545).” The hearing focused on the reasons for the declining self-sufficiency of the U.S. for mineral commodities and the consequences of relying on foreign sources for critical materials. Witnesses included:

* Ronnie Favors, Administrator, Defense Logistics Agency Strategic Materials, DOD;
* Dr. Murray Hitzman, Associate Director for Energy and Minerals, USGS;
* Dr. Richard Silberglitt, Senior Physical Scientist, RAND Corporation;
* Katie Sweeney, Senior Vice President, Legal Affairs, and General Council, National Mining Association; and
* Carletta Tilousi, Council Member, Havasupai Tribe.

The Subcommittee’s December 12, 2017, [press release](https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=403633) states that Subcommittee members and witnesses “criticized unilateral executive mineral withdrawals and the negative impacts on economic investment and future development.”

**House Committee Passes Bill To Repeal Certain Disclosure Requirements Related To Resource Extraction**

On December 13, 2017, the House Committee on Financial Services passed a bill (H.R. 4519) that would amend the Securities Exchange Act of 1934 to repeal certain disclosure requirements related to resource extraction. Introduced by Representative Bill Huizenga (R-MI), the bill would repeal Section 1504 of the Dodd-Frank Act, which requires resource extraction issuers to disclose payments made to governments for the commercial development of oil, natural gas, or minerals. The Committee passed the bill by a vote of 33-27. On January 9, 2018, the Committee on Financial Services published [House Report 115-500](https://www.congress.gov/congressional-report/115th-congress/house-report/500) on the bill.

**USGS Releases 2017 Critical Minerals Report**

USGS released on December 19, 2017, a report entitled [*Critical Mineral Resources of the United States -- Economic and Environmental Geology and Prospects for Future Supply*](https://pubs.er.usgs.gov/publication/pp1802). In its December 19, 2017, press release, USGS states that in the report, its geologists “provide the latest and greatest on the geology and resources of 23 mineral commodities deemed critical to the economy and security of the United States. This work is meant to provide decision-makers, researchers, and economists with the tools they need to make informed choices about the mineral mix that fuels our society.” The 23 mineral commodities do not include **cadmium**, although it is discussed in the report.

**President Issues Executive Order On Federal Strategy To Ensure Secure And Reliable Supplies Of Critical Minerals**

On December 20, 2017, President Donald Trump signed an Executive Order, “[Presidential Executive Order on a Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals](https://www.whitehouse.gov/presidential-actions/presidential-executive-order-federal-strategy-ensure-secure-reliable-supplies-critical-minerals/).” Under the Executive Order, a critical mineral is a mineral identified by the Secretary of the Interior to be: (1) a non-fuel mineral or mineral material essential to the economic and national security of the U.S.; (2) the supply chain of which is vulnerable to disruption; and (3) that serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for the U.S. economy or national security. The U.S. will:

* Identify new sources of critical minerals;
* Increase activity at all levels of the supply chain, including exploration, mining, concentration, separation, alloying, recycling, and reprocessing critical minerals;
* Ensuring that miners and producers have electronic access to the most advanced topographic, geologic, and geophysical data within the U.S. territory to the extent permitted by law and subject to appropriate limitations for purposes of privacy and security, including appropriate limitations to protect critical infrastructure data such as those related to national security areas; and
* Streamline leasing and permitting processes to expedite exploration, production, processing, reprocessing, recycling, and domestic refining of critical minerals.

The Secretary of the Interior, in coordination with the Secretary of Defense, will publish a list of critical minerals in the *Federal Register* within 60 days. Within 180 days of publishing the list, the Secretary of Commerce, in coordination with the Secretaries of Defense, Interior, Agriculture, and Energy, and USTR, shall submit a report to the President that includes:

* A strategy to reduce reliance on critical minerals;
* An assessment of progress toward developing critical minerals recycling and reprocessing technologies, and technological alternatives to critical minerals;
* Options for accessing and developing critical minerals through investment and trade with allies and partners;
* A plan to improve the topographic, geologic, and geophysical mapping of the U.S. and make the resulting data and metadata electronically accessible, to the extent permitted by law and subject to appropriate limitations for purposes of privacy and security, to support private sector mineral exploration of critical minerals; and
* Recommendations to streamline permitting and review processes related to developing leases; enhancing access to critical mineral resources; and increasing discovery, production, and domestic refining of critical minerals.

**RCRA ISSUES**

**OIG Finds Self-Insured Companies With Multiple Cleanup Liabilities Present Financial And Environmental Risks**

On December 22, 2017, EPA OIG published a report entitled [*Self-Insurance for Companies With Multiple Cleanup Liabilities Presents Financial and Environmental Risks for EPA and the Public*](https://www.epa.gov/office-inspector-general/report-self-insurance-companies-multiple-cleanup-liabilities-presents). OIG evaluated whether EPA includes all environmental liabilities in its reviews of financial assurance and whether it reviews the validity of RCRA and Superfund financial assurance liabilities for companies with multiple facilities/sites nationwide. The report focuses on companies with multiple environmental liabilities covered by self-insurance instruments. OIG found EPA does not include and verify all self-insured environmental cleanup liabilities when evaluating requests for and reviewing corporate self-insurance. EPA faces significant challenges to validating forms of self-insurance, including:

* Regulatory constraints: Most RCRA regulations and Superfund guidance do not require full disclosure of all environmental liabilities, and EPA lacks the information needed to validate independently all forms of self-insured liabilities. EPA guidance also does not require regional staff to check whether a company has multiple liabilities in other regions when validating a self-insurance instrument; and
* Data and technical gaps: EPA lacks a data system with the capability to track multiple environmental liabilities and the resources and technical ability to validate self-insurance for companies with multiple environmental liabilities. Survey responses from all ten EPA regions showed that 70 percent of respondents believe insufficient staff training and expertise are moderate or extreme barriers to the efficient management and review of financial assurance instruments.

According to OIG, the inability to validate a company’s self-insurance is a high-risk issue for EPA. If self-insurance is not valid, a company may default on its obligation to pay for cleanup or closure activities, in some cases necessitating a government response. OIG notes that this threatens the effectiveness of cleanup programs, as EPA -- and, ultimately, the taxpayers -- “could be left with billions of dollars in cleanup costs.” If a cleanup is not performed by the facility as required, it can result in longer human and environmental exposures to unsafe substances. OIG recommends that EPA study the costs associated with requiring full disclosure of all self-insured environmental liabilities and with eliminating the use of corporate self-insurance instruments. OIG also recommends that EPA add controls to improve its oversight of financial assurance. EPA agreed with nine of OIG’s 14 recommendations. According to the report, work is underway to reach agreement on the five unresolved recommendations.

**TSCA ISSUES**

**OMB Reviewing Proposed Rule Regarding Service Fees For Administration Of TSCA**

According to an [item](https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=2070-AK27) in EPA’s Fall 2017 Unified Agenda, EPA is developing a proposed rule to implement TSCA Section 26(b)(1). TSCA Section 26(b)(1), as amended by new TSCA, authorizes EPA to issue a rule to establish fees to defray a portion of the cost of administering Sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under Section 14 information on chemical substances (including contractor costs incurred by EPA). EPA intends to publish a proposed rule in **February 2018** and a final rule in **September 2018**. On December 22, 2017, OMB submitted a proposed rule to OMB for review.

**EPA Intends To Publish Proposed Rule Regarding Reporting Requirements For Inorganic Byproducts**

According to an [item](https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=2070-AK31) in EPA’s Fall 2017 Unified Agenda, EPA intends to publish in **May 2018** a proposed rule limiting the reporting requirements for manufacturers of inorganic byproducts that are subsequently recycled. EPA states that TSCA Section 8(a)(6)(A), as amended by new TSCA, “requires EPA to enter into a negotiated rulemaking and develop and publish a proposed rule within three years of enactment that addressed chemical data reporting requirements for manufacturers of any inorganic byproducts, when such byproducts, whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.” As reported in our September 28, 2017, Update, during the September 13-14, 2017, meeting of the Negotiated Rulemaking Committee on CDR Requirements for Inorganic Byproducts, Committee members agreed that they would be unable to reach a consensus recommendation on a strategy for EPA to reduce CDR requirements for inorganic byproducts.

**MISCELLANEOUS ISSUES**

**CPSC Incorporates By Reference ASTM F963-17, With One Exception**

CPSC published a [direct final rule](https://www.federalregister.gov/documents/2017/12/04/2017-26009/safety-standard-mandating-astm-f963-for-toys) on December 4, 2017, that incorporates by reference ASTM F963-17, with one exception, and updates the existing notice of requirements that provides the criteria and process for CPSC acceptance of accreditation of third-party conformity assessment bodies for testing for ASTM F963 pursuant to the CPSA. The rule will be effective on **February 28, 2018**, unless CPSC received significant adverse comment by January 3, 2018. If CPSC received timely significant adverse comment, it will withdraw the direct final rule before its effective date.

**FDA Issues Import Alert Regarding Detention Of Ceramicware Due To Excessive Lead And/Or Cadmium**

On January 11, 2018, FDA published Import Alert Number 52-08, “[Detention Without Physical Examination of Ceramicware Due to Excessive Lead and/or **Cadmium**](https://www.accessdata.fda.gov/cms_ia/importalert_122.html).” The Alert states that lead and **cadmium** “are components of the glaze used in making ceramicware, and can leach into foods in significant amounts when the glaze is improperly formulated, applied, or fired.” According to the Alert, in FY 1993, approximately 15 percent of the imported lots analyzed were found violative for lead and/or **cadmium**. The Alert states that districts may detain, without physical examination, ceramicware for food use from the manufacturers and/or shippers identified in the Red List to the Alert. Continued surveillance of imported ceramicware intended for food use is warranted, and emphasis should be placed on those items designed to hold liquid foods.

**Toxics In Packaging Clearinghouse Claims Cadmium Continues To Be Present In Flexible PVC Packaging**

On November 20, 2017, the Toxics in Packaging Clearinghouse issued a [press release](https://toxicsinpackaging.org/wp-content/uploads/2017/11/TPCH-PVC-Bulletin-News-Release-Nov-2017-2.pdf) announcing the availability of a [research bulletin](https://toxicsinpackaging.org/wp-content/uploads/2017/11/TPCH-Research-Bulletin-Flexible-PVC-Nov-2017-1.pdf) providing an update on projects related to the presence of lead and **cadmium** found in flexible PVC packaging above legal thresholds established by state toxics in packaging laws. The research bulletin summarizes the results of XRF analysis of flexible PVC packaging samples in 2015 to assess current compliance with state toxics in packaging laws. It also assesses trends in compliance with state laws using XRF data collected since 2006. According to the research bulletin, the analysis shows “continuing but potentially declining rates of non-compliance in the packaging of products from specific retail product sectors.” The research bulletin states:

The results of the current screening project are encouraging since lead was not found and **cadmium** was present at lower non-compliant levels in about 20 percent of the total sample population. However, the results of the current screening project confirm that **cadmium** is still present in flexible PVC, either at functional levels or as a contaminant in an additive or mixture. State toxics in packaging laws require self-surveillance by the supply chain. Product manufacturers and distributors must remain vigilant when purchasing flexible PVC packages or packaging components, or products packaged in this material. Product manufacturers, distributors, and retailers should require compliance with state toxics in packaging laws as a condition of sale.

**STATE ISSUES**

***California***

**Attorney General Sues Distributor For Selling Jewelry With Excessive Levels Of Lead And Cadmium**

On December 5, 2017, California Attorney General Xavier Becerra and CDTSC [filed a lawsuit](https://www.oag.ca.gov/news/press-releases/attorney-general-becerra-sues-distributor-selling-jewelry-excessive-levels-lead) against Luxy Accessory, Inc., a jewelry distributor based in Los Angeles, and its owner Hyun Sook Kim for selling jewelry with excessive levels of lead and **cadmium**. According to Becerra, much of the jewelry was intended for children, and some were mislabeled as “lead free.” Becerra states that these acts constitute a violation of California’s Metal Containing Jewelry Law and the Unfair Competition Law, and also constitute unlawful advertising. The lawsuit seeks injunctive relief to prevent Luxy from selling its stockpiles of non-compliant jewelry. According to the press release, in November 2017, CDTSC inspectors, accompanied by the Los Angeles County Sheriff’s Department, returned to Luxy’s warehouse to inspect all of its jewelry for lead and **cadmium**. Using field screening devices, the inspectors identified approximately 150 boxes of jewelry that are suspected to contain excessive amounts of lead and **cadmium**.

***Hawaii***

**Bill Would Require Testing For Heavy Metal Contaminants, Including Cadmium, In Medical Cannabis**

On January 23, 2018, a bill (H.B. 2534) was introduced in the House that would establish standards for independent laboratory testing for medical cannabis. Under the bill, the department would establish and enforce standards for laboratory-based testing of cannabis and manufactured cannabis products for content, contamination, and consistency. The certificate of analysis would include results for the presence of certain heavy metal contaminants, including **cadmium**, which is not to exceed four ppm.

***Kansas***

**2018 Fish Consumption Advisories Include Specific Advisories Because Of Cadmium**

On January 4, 2018, KDHE and KDWPT [issued](http://ksoutdoors.com/KDWPT-Info/News/Weekly-News/1-4-18/2018-Kansas-Fish-Consumption-Advisories) revised fish consumption advisories for 2018. The waterbody specific advisories for all consumers include:

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

***Missouri***

**House Resolutions Call For Study Of Operation Large Area Coverage**

H.R. 4834 and H.C.R. 54, which were introduced on January 3, 2018, call for the U.S. Army to hold town hall sessions in the St. Louis region to explain the testing that occurred as a result of Operation Large Area Coverage in the 1950s and 1960s in St. Louis. The resolutions also call for EPA and DHHS to conduct a study to track the health effects on populations exposed to Operation Large Area Coverage testing. The resolutions state that, during the 1950s and 1960s, as part of a series of Cold War experiments, the U.S. Army dusted chosen American cities from coast to coast with a fine powder of a fluorescent, potentially toxic chemical. The powder scattering was part of Operation Large Area Coverage, a series of tests intended to assess the threat of biological attacks by simulating the airborne dispersion of germs. According to the resolutions, the experiments exposed large portions of the U.S., and parts of Mexico and Canada, “to flurries of a synthesized chemical called **zinc cadmium sulfide**.”

***New Jersey***

**Bill Would Prohibit Children’s Products Containing Cadmium**

On January 9, 2018, a bill was introduced in the Assembly (A.B. 559) that would prohibit the sale, distribution, import, or manufacture of any children’s product intended for use by a child under the age of six that contains, is composed of, or is made with lead, mercury, or **cadmium**. “Children’s product” would be defined as a product, including a toy or play equipment, that is designed or intended solely or primarily: (1) for the care of, or use by, a child; or (2) to come into contact with a child while the product is used.

***Vermont***

**Vermont Proposes To Amend Rule Regarding Chemicals Of High Concern To Children**

VDOH has proposed to amend the rule regarding chemicals of high concern to children. The list of chemicals of high concern to children includes **cadmium** and **cadmium compounds**. Chemicals that are intentionally added to a product must be reported when present above the PQL for that chemical. The PQL for **cadmium** and **cadmium compounds** is 1.0 ppm. The proposed amendments would:

* Change the reporting frequency from annually to every two years;
* Add 20 chemicals to and delete one chemical from the list of chemicals of high concern to children;
* Permit notices of removal of chemicals;
* Establish procedures for adding chemicals to and removing chemicals from the list of chemicals of high concern to children; and
* Establish procedures for adopting rules to regulate the sale or distribution of children’s products containing chemicals of high concern to children, including prohibitions of sale.

VDOH held a public workshop on January 22, 2018, to discuss the proposed amendments.

**INTERNATIONAL ISSUES**

**CANADA**

**Supreme Court Of Canada Rejects Yukon Government’s Changes To Peel Watershed Land Use Plan**

On December 1, 2017, the Supreme Court of Canada [upheld](https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16890/index.do) the appellate court’s decision that the Yukon government failed to exercise its rights properly to propose modifications to the Recommended Peel Watershed Regional Land Use Plan and rejected the final version released by the government in 2014. The Umbrella Final Agreement established a collaborative regional land use planning process that was adopted in modern land claims agreements between Yukon, Canada, and the appellant First Nations. These agreements recognize the traditional territories of the First Nations in the Yukon portion of the Peel Watershed and their right to participate in the management of public resources in that area. In 2004, the Peel Watershed Planning Commission was established to develop a regional land use plan for the Peel Watershed. In 2009, after years of research and consultation, the Commission initiated the land use approval process by submitting its Recommended Peel Watershed Regional Land Use Plan to Yukon and the affected First Nations. The Plan recommended cordoning off 80 percent of the Peel Watershed from new mining and petroleum claims. Near the end of the approval process, and after the Commission had released its Plan, Yukon proposed and adopted a final plan that made substantial changes to increase access to and development of the region, protecting only 29 percent of the Watershed. Under the court’s decision, the Yukon government and the affected First Nations will use the Commission’s Recommended Peel Watershed Regional Land Use Plan negotiated as the basis for future talks to create a final plan for implementation. The government and First Nations are expected to meet within the next few weeks. The Yukon Chamber of Mines criticized the decision, stating that “[l]and withdrawals are not always being based on sound evidence at the conclusion of a robust policy process.”

**Canada Publishes Notice With Respect To Substances In The NPRI For 2018 And 2019**

On January 20, 2018, Environment and Climate Change Canada published a [*Canada Gazette* notice](http://gazette.gc.ca/rp-pr/p1/2018/2018-01-20/html/notice-avis-eng.html) with respect to substances in the NPRI for **2018** and **2019**. Under the authority of CEPA, owners or operators of facilities that meet the published reporting requirements are required to report to the NPRI. Companies that meet reporting requirements but fail to report, do not report on time, or knowingly submit false or misleading information, face penalties. Environment and Climate Change Canada suggests that facilities that in previous years did not meet the reporting criteria or were exempt should review their status to determine whether they are required to report for the current reporting year. The notice includes:

|  |  |  |
| --- | --- | --- |
| **Schedule 1, Part 1, Group B Substances** | **Mass Reporting Threshold** | **Concentration by Weight** |
| **Cadmium (and its compounds)** | 5 kg | 0.1 percent |

The notice applies to the calendar years **2018** and **2019**. Information pertaining to the **2018** calendar year must be provided no later than **June 1, 2019**. Information pertaining to the **2019** calendar year shall be provided no later than **June 1, 2020**.

**CHINA**

**China MEP Publishes Measures Establishing List Of Priority Pollution Enterprises**

MEP [issued](http://www.zhb.gov.cn/gkml/hbb/bgt/201712/t20171201_427287.htm) on November 27, 2017, the Measures for the Management on the List of Priority Pollution Enterprises, which requires local environmental protection authorities to report the priority pollution enterprises in their administrative areas. According to the Measures, there are five categories of priority pollution enterprises: air, water, soil, noise, and other pollution. An enterprise could be included in more than one category based on the pollutants it discharges into the environment. The Measures specify the standards for enterprises to be regarded as priority pollution enterprises. Listed enterprises and their detailed emission information will be displayed in an online information system developed by MEP.

**Standing Committee Of China’s NPC Reviews Draft Law On Soil Pollution**

The Standing Committee of the NPC reviewed the second draft of a law addressing soil pollution during its bimonthly meetings ending December 27, 2017. The law is intended to address soil pollution caused by rapid industrialization. The draft revisions reportedly focus on farm land and appear to shift responsibility from agricultural authorities to polluters for cleaning up toxic farmland. Companies would be responsible for self-monitoring and reporting emissions that contribute to soil pollution and would face penalties for submitting false or misleading data. The draft law has not been released publicly. In 2013, high levels of **cadmium** were detected in samples of rice from the Hunan province, and in 2017, high levels of **cadmium** were detected in wheat from the Henan province. The Standing Committee will review the draft law at least once more. China has not indicated when the final law will be released and go into effect.

**China Includes Cadmium And Cadmium Compounds On List Of Priority Chemicals For Management (First Batch)**

On December 27, 2017, MEP, MIIT, and NHFPC jointly issued the [List of Priority Chemicals for Management (first batch)](http://www.zhb.gov.cn/gkml/hbb/bgg/201712/t20171229_428832.htm) to control strictly chemicals that are hazardous, persistent, and harmful to the environment and human health. The List is based on the mandate issued by the [Action Plan for Prevention and Control of Water Pollution](http://extwprlegs1.fao.org/docs/pdf/chn156568.pdf) signed by the State Council of the People’s Republic of China on April 2, 2015.

The List of Priority Chemicals for Management (first batch) contains 22 groups of chemicals, which is significantly less than the [draft list](http://www.cisia.org/news/view?id=2932) for internal consultation, which contained 36 groups of chemicals. These chemicals include arsenic, lead, mercury, hexavalent chromium, and **cadmium** and **cadmium compounds**; PBT chemicals identified according to the national standard GB/T 24782-2009 -- *Identification Method of PBT Substances, and vPvB Substances*; CMR chemicals and chemicals with high aquatic environmental toxicity classified according to GHS and the national standard *GB 3000-2013 -- Rules for Classification and Labelling of Chemicals*; and chemicals manufactured or used in huge quantities in China. The List includes:

| **No.** | **Chemical Name** | **CAS No.** |
| --- | --- | --- |
| PC001 | 1,2,4-trichlorobenzene | 120-82-1 |
| PC002 | 1,3-butadiene | 106-99-0 |
| PC003 | 5-tert-Butyl-2,4,6-trinitro-m-xylene (Musk xylene) | 81-15-2 |
| PC004 | N,N’-Bis(methylphenyl)-1,4-benzenediamine | 27417-40-9 |
| PC005 | Short-Chain Chlorinated Paraffins (SCCPs) | 85535-84-868920-70-771011-12-685536-22-785681-73-8108171-26-2 |
| PC006 | Dichloromethane | 75-09-2 |
| PC007 | **Cadmium** and **cadmium compounds** | 7440-43-9 |
| PC008 | Mercury and mercury compounds | 7439-97-6 |
| PC009 | Formaldehyde | 50-00-0 |
| PC010 | Hexavalent chromium compounds |   |
| PC011 | Hexachloro-1,3-cyclopentadiene | 77-47-4 |
| PC012 | Hexabromocyclododecane | 25637-99-43194-55-6134237-50-6134237-51-7134237-52-8 |
| PC013 | Naphthalene | 91-20-3 |
| PC014 | Lead compounds |   |
| PC015 | Perfluorooctanesulfonic acid, its salts, and perfluorooctane sulfonyl fluoride | 1763-23-1307-35-72795-39-329457-72-529081-56-970225-14-856773-42-3251099-16-8 |
| PC016 | Nonylphenol and nonylphenol polyoxyethylene ether | 25154-52-384852-15-39016-45-9 |
| PC017 | Trichloromethane | 67-66-3 |
| PC018 | Trichlorethylene | 79-01-6 |
| PC019 | Arsenic and arsenic compounds | 7440-38-2 |
| PC020 | Decabromodiphenyl ether (DecaBDE) | 1163-19-5 |
| PC021 | Tetrachloroethylene | 127-18-4 |
| PC022 | Acetaldehyde | 75-07-0 |

The production and use of the chemicals on the List are restricted and safer alternatives of these priority chemicals are promoted. A discharge permit is required for producers and operators who directly or indirectly discharge these chemical wastes to water. A mandatory clean manufacturing audit and disclosure to the public are required for manufacturers that use or release these chemicals. These actions are existing risk control/management measures. The substances on the List were immediately added into these measures.

**China Conducts Second National Census Of Pollution Sources**

China intended to begin the second national census of pollution sources on December 31, 2017. The census aims to investigate work units and individual enterprises that are sources of pollution. The scope of the investigation involves industrial, agricultural, and domestic pollution sources, centralized pollution control facilities, mobile sources, and other facilities that produce pollutants:

* Industrial pollution sources (including all industrial work units that produce wastewater, waste gas, and solid waste): Basic enterprises’ status; raw material consumption and production; facilities that produce pollution; the generation, control, emission, and use of pollutants; and the constructions and operations of pollution control facilities.
* In industrial wastewater: COD, ammonia nitrogen, total nitrogen, total phosphorus, petroleum, volatile phenol, cyanide, mercury, **cadmium**, lead, chromium, and arsenic;
* In industrial waste gas: Sulfur dioxide, nitrogen oxides, particulate matter, volatile organic compounds, ammonia, mercury, **cadmium**, lead, chromium, and arsenic; and
* General industrial solid waste and hazardous waste are included;
* For agricultural pollution sources: Disposal and resource use of the waste straw; the usage of chemical fertilizers, pesticides, and membrane; current status, pollution control and waste resource use of livestock and poultry breeding companies and farmers who have been registered in the investigation:
* In wastewater: COD (only required for livestock and poultry breeding and aquaculture), ammonia nitrogen, total nitrogen, and total phosphorus; and
* In waste gas: Ammonia (in planting and livestock and poultry breeding) and volatile organic compound;
* For centralized pollution control sites (including work units that dispose of household waste, hazardous waste, and wastewater): Basic information of work units, facilities’ capacity of pollution control, disposals of wastewater and solid waste, and generation, disposal, and emission of secondary pollutants:
* In wastewater: COD, ammonia nitrogen, total nitrogen, total phosphorus, five days biochemical oxygen demand, animal and vegetable oil, volatile phenol, cyanide, mercury, **cadmium**, lead, chromium, and arsenic;
* In waste gas: Sulfur dioxide, nitrogen oxides, particulate matter, mercury, **cadmium**, lead, chromium, and arsenic; and
* There will also be an examination of the generation, storage, and disposal of sewage sludge, waste incineration residues, and fly ash; and
* For mobile sources (including agricultural and construction machines): The holdings of the mobile source and emission-related information, volatile organic compound (exclude ships), nitrogen oxide and particulate emission, and sulfur dioxide emission (for some types of mobile sources only).

**Provinces Establish Environmental Protection Tax Levels**

China’s environmental protection tax law took effect on January 1, 2018. Most provinces and municipalities directly under central government tailored their tax levels based on individual pollution status and the economic impact on key industries. The lowest tax level in the predecessor of the environmental protection tax (the emission fee system) was 1.2 RMB per pollutant equivalent. The environmental protection tax law allows local governments a high degree of discretion and freedom to increase the local tax levels up to ten times the base levels (1.2 RMB per pollutant equivalent for air pollutants and 1.4 RMB per pollutant equivalent for water pollutants). According to the information gathered by the State Administration of Taxation, the tax levels specified by local governments are as follows:

| **Provinces or municipalities directly under central government** | **Tax level (RMB per pollutant equivalent)** |
| --- | --- |
| **Air pollutants** | **Water pollutants** |
| Liaoning | 1.2 | 1.4 |
| Jilin |
| Anhui |
| Jiangxi |
| Shaanxi |
| Gansu |
| Qinghai |
| Ningxia |
| Xinjiang |
| Yunnan | 1.2 for 20182.8 from **January 2019** | 1.4 for 20183.5 from **January 2019** |
| Jiangsu | 4.8 | 5.6 |
| Sichuan | 3.9 | 2.8 |
| Beijing | 12 | 14 |
| Hebei | 9.6~4.8 | 11.2~5.6 |
| Shandong | 6 for sulfur dioxide and nitrogen oxides1.2 for other air pollutants | 3 for COD, ammonia-nitrogen, and five heavy metal pollutants1.4 for other pollutants |
| Zhejiang | 1.8 for chromic acid mist, mercury and its compounds, lead and its compounds, **cadmium** and **its compounds**1.2 for other pollutants | 1.8 for mercury, **cadmium**, chrome, and lead pollutants1.4 for other pollutants |
| Guangdong | 1.8 | 2.8 |
| Fujian | 1.2 | 1.5 for five heavy metal pollutants1.4 for other pollutants |
| Guizhou | 2.4 | 2.8 |

**PHILIPPINES**

**House Passes Safe And Non-Hazardous Children’s Products Act**

The House of Representatives [announced](http://www.congress.gov.ph/press/details.php?pressid=10413) on December 13, 2017, that it unanimously approved the [Safe and Non-Hazardous Children’s Products Act](http://www.congress.gov.ph/legisdocs/third_17/HBT6702.pdf) (H.B. 6702), which would regulate the importation, manufacture, distribution, and sale of children’s products containing hazardous chemicals. Children’s products include children’s toys, educational kits, school supplies, and childcare articles; non-conventional toys such as electronic gadgets, mobile phones, tablets, and pocket game consoles; mechanized or electronic toys such as hover boards; furnishings and fixtures like cribs, tables, chairs, shelves, walkers, strollers, and decorative items for children’s use; indoor and outdoor playground equipment; children’s books and reference materials; and children’s accessories. A hazardous chemical is any substance or mixture of substances that is a physical or health hazard. Such hazardous chemicals include substances that have been determined to be in one or more of the following GHS categories: flammable liquids and solids; explosives; acute toxicity (oral, dermal, inhalation); eye irritation/corrosivity; dermal irritation/corrosivity; mutagenicity; carcinogenicity; reproductive toxicity; and acute/chronic aquatic toxicity. The bill includes a list of hazardous chemicals “deemed most harmful to children and commonly used in the manufacture and production of children’s products,” including **cadmium**. Within three months from the effective date, the Philippine FDA, in coordination of the Environmental Management Bureau of the Department of Environment and Natural Resources, will prepare a list of hazardous chemicals that are banned or prohibited from being used in the manufacture, production, and preparation of children’s products. The bill was sent to the Senate on December 12, 2017.

**NGO Urges Consumers To Shun Toxic Christmas Presents, Warns Consumers About Ceramic Ware “Laden With Toxic Cadmium”**

On December 13, 2017, EcoWaste Coalition posted a blog item entitled “[Group Urges Consumers to Shun Toxic Christmas Presents](http://ecowastecoalition.blogspot.com/2017/12/group-urges-consumers-to-shun-toxic.html).” EcoWaste Coalition bought assorted gift items from shopping malls in Divisoria and retail stores in Quiapo and then screened them for toxic metals using a portable XRF device. The list of 12 hazardous gifts includes:

* Spongebob coffee mug, 15,800 ppm lead and 974 ppm **cadmium**;
* Fashion Milk Cup, 15,600 ppm lead and 2,020 ppm **cadmium**;
* Champion coffee mug, 12,300 ppm lead and 687 ppm **cadmium**;
* Xiao Dang Ja coffee mug, 11,000 ppm lead and 3,086 ppm **cadmium**;
* Santa Claus-themed plate, 10,500 ppm lead and 2,947 ppm **cadmium**;
* Christmas bells-themed plate, 6798 ppm lead and 3,855 ppm **cadmium**;
* Fashion Cup with Minion characters, 3,982 ppm lead and 1,661 ppm **cadmium**;
* Christmas ball-themed plate, 3,441 ppm lead and 1,207 ppm **cadmium**;
* Santa Claus coffee mug, 3,298 ppm lead and 2,288 ppm **cadmium**; and
* Pikachu sling bag, 1,079 ppm lead and 222 ppm **cadmium**.

The blog item notes that “**[c]admium** and lead and their compounds are also listed in the Philippine Priority Chemicals List, which includes chemical substances that the Department of Environment and Natural Resources has ‘determined to potentially pose unreasonable risk to public health, workplace, and the environment.’”

EcoWaste Coalition posted a December 20, 2017, blog item entitled “[Shoppers Beware: Christmas-Themed Ceramic Ware Found Laden with Toxic **Cadmium** and Lead](http://ecowastecoalition.blogspot.com/2017/12/shoppers-beware-christmas-themed.html).” EcoWaste Coalition states that 12 coffee mugs and eight flat plates bought from retailers in Quiapo, Manila, screened positive for both **cadmium** and lead. The blog item states that “all the items contained high levels of lead and **cadmium**. A plate with Santa design, for example, had 10,100 parts per million (ppm) of lead and 2,113 ppm of **cadmium**, while a mug with a Christmas tree design had 12,600 ppm lead and 2,912 **cadmium**.” According to the blog item “**[c]admium** can cause cancer, while lead can harm the brain and the central nervous system resulting in decreased intelligence, developmental disabilities and behavioral problems, among a long list of health problems.”

**SOUTH KOREA**

**South Korea Advises Companies To Self-Report TCCA And CCA Violations**

In a November 21, 2017, [announcement](https://www.me.go.kr/home/web/board/read.do?boardMasterId=39&boardId=826150&menuId=290), MOE and MOJ advised companies to seek penalty exemptions for failing to comply with notification requirements and other rules under the CCA and the earlier TCCA by voluntarily reporting their violations. MOE and MOJ encourage companies to come forward if they have failed to submit:

* A confirmation letter for chemical substances;
* A declaration of toxic chemical substances imported; or
* A declaration of manufacturing/import of observational substances.

Companies are encouraged to report if they failed to obtain:

* Permission for importing restricted substances;
* Permission for manufacture, import, or sales of prohibited substances; or
* A business license for handling hazardous chemical substances.

Failure to comply with the requirements above will result in a penalty of up to five years in prison or a fine of 100m won under the TCCA or a penalty of up to five years in prison or a fine of 50m won under the CCA. Companies will be exempt from these penalties if they report before the **May 21, 2018**, deadline. Cases that are currently under investigation or prosecution will be considered for lesser penalties. Penalty exemptions will not apply to a situation where an accident was caused as a result of a breach of the legislation. Reports are due **May 21, 2018**.

**MOE Enacts Procedures To Support K-REACH Registration**

MOE has implemented procedures intended to help co-registration under K-REACH. The procedures include:

* Recommendation of lead registrants; and
* Optional MOE mediation on consortia member disagreements.

Under the procedures, MOE will recommend a lead registrant when it is concerned that a consortium will not meet a deadline. In this case, it will put forward the highest-volume manufacturer or importer. If that company cannot do it, the company with the next highest volume will be proposed. At the request of the lead registrant, MOE will provide mediation if there are disagreements among consortia members. For cost disputes, MOE will impose a share, based on the relative volume of manufacture or import of the substance. The procedures came into effect January 15, 2018.

**UN**

**UN Environment Assembly Passes Resolution Intended To Curb Pollution From Extractive Industries**

The UN Environment Assembly passed a resolution on December 6, 2017, urging governments and corporations to work closely with local communities to ensure pollution is addressed. The December 14, 2017, [press release](https://www.unenvironment.org/news-and-stories/story/un-environment-assembly-moves-curb-pollution-extractive-industries) states that the resolution aims at strengthening efforts to integrate conservation and sustainable use of biodiversity in various sectors such as agriculture, fisheries and aquaculture, tourism, mining and energy, infrastructure, and manufacturing among others. According to the press release, the event coincided with the release of [*Mine Tailings Storage: Safety is No Accident*](http://www.grida.no/publications/383), a report on mine tailings dam failures. The report recommends the establishment of a UN Environment stakeholder forum to facilitate international regulation of dams.

**VIETNAM**

**MOIT Publishes Circular On Implementation Of Law On Chemicals**

As reported in our November 28, 2017, Update, on October 9, 2017, the Vietnam Chemicals Agency [announced](http://luatvietnam.vn/default.aspx?tabid=651&id=43D8FAE6-45A5-4BD0-89BB-42BD1E1DC5BC&rurl=%2fVL%2f662%2fNghi-dinh-1132017NDCP-cua-Chinh-phu-ve-viec-quy-dinh-chi-tiet-va-huong-dan-thi-hanh-mot-so-dieu-cua-%2f43D8FAE6-45A5-4BD0-89BB-42BD1E1DC5BC%2fdefault.a) the availability of [Decree No. 113/2017/ND-CP](https://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Nghi-dinh-113-2017-ND-CP-huong-dan-Luat-hoa-chat-346246.aspx) Specifying and Providing Guidelines for Implementation of Certain Articles of the Law on Chemicals. On December 28, 2017, MOIT published [Circular No. 32/2017/TT-BCT](http://www.lawbc.com/uploads/docs/Circular_32-2017-TT-BCT.pdf), which provides guidance on the Law on Chemicals and Decree No. 113/2017/ND-CP. The Circular includes guidance on SDSs and 19 forms for use in implementing the Decree. It includes information on:

* Setting out plans and measures for industrial chemical incident response;
* The classification and labeling of chemicals; and
* The declaration of imported chemicals.

Under the transitional provisions included in the Circular, previously approved chemical incident plans still apply, and chemicals already classified or labeled for the market can circulate until their expiry date. As reported in our November 28, 2017, Update, Decree No. 113/2017/ND-CP includes the following appendices:

* Appendix I: List of chemicals subject to conditional production or import, which includes:
* **Cadmium selenide**; and
* **Cadmium telluride**;
* Appendix II: List of chemicals restricted from production or trade, which includes:
* **Cadmium**;
* **Cadmium chloride**;
* **Cadmium fluoride**;
* **Cadmium oxide**;
* **Cadmium sulfide**; and
* **Cadmium fluoroborate**;
* Appendix III: List of prohibited chemicals;
* Appendix IV: List of hazardous chemicals requiring prevention plans and response measures:
* Appendix V: List of chemicals that must be declared, which includes:
* **Cadmium**;
* **Cadmium chloride**;
* **Cadmium fluoride**;
* **Cadmium oxide**;
* **Cadmium selenide**;
* **Cadmium sulfide**;
* **Cadmium fluoroborate**; and
* **Cadmium telluride**.

Decree No. 113/2017/ND-CP took effect November 25, 2017.

\* \* \* \* \*

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

**CAS** -- Chemical Abstracts Service

**CCA** -- Chemicals Control Act

**CDR** -- Chemical Data Reporting

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

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

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

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

**CMR** -- Carcinogenic, Mutagenic, or Toxic for Reproduction

**COD** -- Chemical Oxygen Demand

**CPSA** -- Consumer Product Safety Act

**CPSC** -- United States Consumer Product Safety Commission

**DHHS** -- United States Department of Health and Human Services

**DOD** -- Department of Defense

**EcoWaste Coalition** -- Ecological Waste Coalition of the Philippines

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

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

**FDA** -- United States Food and Drug Administration

**FY** -- Fiscal Year

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

**ICdA** -- International Cadmium Association

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

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

**kg** -- Kilogram

**MEP** -- Ministry of Environmental Protection

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

**MOE** -- Ministry of the Environment

**MOJ** -- Ministry of Justice

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

**NGO** -- Non-Governmental Organization

**NHFPC** -- National Health and Family Planning Commission

**NPC** -- National People's Congress

**NPRI** -- National Pollutant Release Inventory

**OIG** -- Office of Inspector General

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

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

**Philippine FDA** -- Philippine Food and Drug Administration

**ppm** -- Part Per Million

**PQL** -- Practical Quantitation Limit

**PVC** -- Polyvinyl Chloride

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

**SDS** -- Safety Data Sheet

**TCCA** -- Toxic Chemicals Control Act

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**UN** -- United Nations

**USGS** -- United States Geological Survey

**USTR** -- United States Trade Representative

**vPvB** -- Very Persistent and Very Bioaccumulative

**VDOH** -- Vermont Department of Health

**XRF** -- X-Ray Fluorescent

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)