#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**January 28, 2020**[[1]](#footnote-1)

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*B&C® and its consulting affiliate Acta® are pleased to offer you our* [*Forecast 2020*](https://www.lawbc.com/regulatory-developments/entry/forecast-for-u.s.-federal-and-international-chemical-regulatory-policy-2020)*. In this detailed and comprehensive document, the legal, scientific, and regulatory professionals of B&C and Acta distill key trends in U.S. and global chemical law and policy, and provide our best informed judgment as to the shape of key developments we are likely to see in the New Year. The full memorandum can be downloaded as a PDF* [*here*](https://news.lawbc.com/collect/click.aspx?u=jRYOrR8N39SY+7wDM4QK2zMvymSq2iFFoLAmlg2MS5wvVIekGXU41BgQljCJ8bS3ENRehgXU6FU=&rh=ff0058452b1c65ffc99a0a0d724b95c5aea5981c)*. B&C’s podcast* All Things Chemical*TM has released a special episode in conjunction with the Forecast featuring Lynn L. Bergeson, Sheryl Lindros Dolan, Chris Bryant, and Dr. Richard Engler engaging in spirited discussion about what is in the pipeline for 2020. Search for* All Things Chemical *on your favorite podcasting service, or stream the episode* [*here*](https://news.lawbc.com/collect/click.aspx?u=jRYOrR8N39SY+7wDM4QK21i21Rd9fYruqSyPdPQoeirqf/6f3BmXf+a4+buwjHeUQvYb/XPpodz6o4bNY6KEpg==&rh=ff0058452b1c65ffc99a0a0d724b95c5aea5981c) *to listen!*

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**FEDERAL ISSUES**

**EPCRA ISSUES**

**EPA Proposes Corrections To TRI Reporting Requirements**

On November 29, 2019, EPA published a [proposed rule](https://www.federalregister.gov/documents/2019/11/29/2019-25356/community-right-to-know-corrections-to-toxics-release-inventory-tri-reporting-requirements) in the *Federal Register* that would correct existing regulatory language for the TRI Program. EPA is proposing corrections that will update identifiers, formulas, and names for certain TRI-listed chemicals and updates to the text that identifies the chemicals to which the 0.1 percent *de minimis* concentration applies to remedy a cross-reference to a no-longer-accurate OSHA regulatory citation. EPA states that the proposed corrections maintain previous regulatory actions and do not alter existing reporting requirements or impact compliance burdens or costs. The list of chemicals and chemical categories to which the corrections would apply includes **cadmium**. Comments are due **January 28, 2020**.

**MINING AND MINERAL ISSUES**

**SEC Proposes Rule To Implement Statutory Mandate To Adopt Resource Extraction Disclosure Rules**

SEC [announced](https://www.sec.gov/news/press-release/2019-264) on December 18, 2019, that following a series of SEC actions, court proceedings, and Congressional action, it voted to propose a rule that would require resource extraction issuers to disclose payments made to foreign governments or the U.S. federal government for the commercial development of oil, natural gas, or minerals. SEC first adopted a rule in this area in 2012, as mandated by the Dodd-Frank Act. After the U.S. District Court for the District of Columbia vacated the 2012 rule, SEC then adopted a new rule in 2016, which was disapproved by a joint resolution of Congress pursuant to the Congressional Review Act. SEC notes that although the joint resolution of Congress vacated the 2016 rule, the statutory mandate remains in effect. As a result, SEC is statutorily obligated to issue a rule. Under the Congressional Review Act, SEC may not reissue the same rule in “substantially the same form” or issue a new rule that is “substantially the same” as the disapproved rule, however.

The January 15, 2020, [proposed rule](https://www.federalregister.gov/documents/2020/01/15/2019-28407/disclosure-of-payments-by-resource-extraction-issuers) would require a domestic or foreign issuer to disclose payments made to a foreign government or the U.S. federal government if the issuer engages in the commercial development of oil, natural gas, or minerals and is required to file annual reports with SEC under the Securities Exchange Act. The issuer would also be required to disclose payments made by a subsidiary or entity controlled by the issuer. The proposed rule would require public disclosure of company-specific, project-level payment information. SEC notes that the proposed rule includes several changes compared to the 2016 rule vacated pursuant to the Congressional Review Act. For example, the proposed rule would:

* Revise the definition of the term “project” to require disclosure at the national and major subnational political jurisdiction, as opposed to the contract level;
* Revise the definition of “not *de minimis*” to include both a project threshold and an individual payment threshold so that disclosure with respect to payments to governments that equal or exceed $150,000 would be required when the total of the individual payments related to a project equal or exceed $750,000;
* Add two new conditional exemptions for situations in which a foreign law or a pre-existing contract prohibits the required disclosure;
* Add an exemption for smaller reporting companies and emerging growth companies;
* Revise the definition of “control” to exclude entities or operations in which an issuer has a proportionate interest;
* Limit the liability for the required disclosure by deeming the payment information to be furnished to, but not filed with, SEC;
* Permit an issuer to aggregate payments by payment type made at a level below the major subnational government level;
* Add relief for issuers that have recently completed their U.S. initial public offerings; and
* Extend the deadline for furnishing the payment disclosures.

Comments are due **March 16, 2020**.

**TSCA ISSUES**

**Court Hears Oral Argument In Suit Challenging Final TSCA Mercury Inventory Rule**

On November 20, 2019, the U.S. Court of Appeals for the Second Circuit heard oral arguments in a case challenging EPA’s final mercury inventory rule. *NRDC v. EPA*, No. 18-2121. NRDC and Vermont challenged the rule, arguing that EPA unlawfully exempted too many manufacturers and importers to protect human health and the environment effectively. A coalition of 11 other states that have their own mercury restrictions and are members of IMERC support the lawsuit. During oral arguments, the court questioned whether EPA could still make a reasonable estimate to guide its mercury reduction decisions, despite the “less than optimal” exemptions described by NRDC. The court noted that EPA has a duty to avoid duplicate reporting and reduce compliance costs. The court asked EPA if it has the discretion to make a judgment that Congress “doesn’t want to know” if an imported product contains mercury. EPA maintained that Congress did not ask for a general inventory. The Lautenberg Act required EPA to publish an “inventory of mercury supply, use, and trade in the United States,” where “mercury” is defined as “elemental mercury” and “a mercury compound.” EPA’s final rule applies to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process (including processes traditionally not subject to TSCA, such as for the manufacture of pharmaceuticals and pesticides). More information is available in our June 25, 2018, memorandum, “[EPA Publishes Final Reporting Requirements for TSCA Mercury Inventory](https://www.lawbc.com/index.php/regulatory-developments/entry/epa-publishes-final-reporting-requirements-for-tsca-mercury-inventory).”

**EPA Publishes Final List Of High-Priority Substances For Risk Evaluation Under TSCA; Cadmium Not Included**

EPA published on December 20, 2019, the final list of high-priority chemicals. These chemicals will be the next 20 chemicals to undergo risk evaluation under the amended TSCA. According to EPA, issuing the final list of high-priority chemicals for risk evaluation “represents the final step in the prioritization process outlined in TSCA and marks another major TSCA milestone for EPA in its efforts to ensure the safety of existing chemicals in the marketplace.” The 20 chemicals consist of seven chlorinated solvents, six phthalates, four flame retardants, formaldehyde, a fragrance additive, and a polymer precursor. EPA states that “[i]t is important to note that being designated as a high-priority chemical does not mean that a chemical is high risk.” EPA [published the list](https://www.federalregister.gov/documents/2019/12/30/2019-28225/high-priority-substance-designations-under-the-toxic-substances-control-act-tsca-and-initiation-of) in the *Federal Register* on December 30, 2019. More information is available in our December 20, 2019, memorandum, “[Final List of High-Priority Chemicals Will Be Next to Undergo Risk Evaluation under TSCA](https://www.lawbc.com/regulatory-developments/entry/final-list-of-high-priority-chemicals-will-be-next-to-undergo-risk-evaluati).”

As reported in our November 28, 2018, Update, on September 28, 2018, EPA [released](https://www.epa.gov/newsreleases/epa-takes-first-steps-identifying-next-group-chemicals-risk-evaluation-under-tsca) the approach it will use to identify chemicals that could be included in the next group of risk evaluations under TSCA. EPA opened [73 chemical-specific public dockets](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/submitting-information-tsca-work-plan-chemicals-inform), one for each of the remaining chemicals on the 2014 TSCA Work Plan, as well as a general docket to suggest chemicals for risk evaluation that are not on the Work Plan. **Cadmium** and **cadmium compounds** are included in the 2014 TSCA Work Plan, and the docket for **cadmium** and **cadmium compounds** is [Docket ID EPA-HQ-OPPT-2018-0479](https://www.regulations.gov/docket?D=EPA-HQ-OPPT-2018-0479). Information was due to the chemical-specific dockets by December 1, 2019.

**MISCELLANEOUS ISSUES**

**Baby Food Council Seeks To Reduce Heavy Metals, Including Cadmium, In Baby Food**

On January 23, 2020, EDF published a blog item entitled “[When it comes to testing heavy metals in food, the result is only as good as the lab](http://blogs.edf.org/health/2020/01/23/when-it-comes-to-testing-heavy-metals-in-food-the-result-is-only-as-good-as-the-lab/).” According to EDF, the Baby Food Council, consisting of Beech-Nut Nutrition Company, Happy Family Organics, The Hain Celestial Group, and Gerber Products Company and supported by Healthy Babies Bright Futures, Cornell University, and EDF, seeks to reduce heavy metals in the companies’ products to as low as reasonably achievable using best-in-class management practices. EDF states that through the Council, EDF is coordinating a proficiency testing program to enable retailers, food manufacturers, ingredient suppliers, and others to identify laboratories that are capable of measuring arsenic, **cadmium**, and lead at levels in the low ppbs. The Council has arranged for FAPAS, a leading proficiency testing provider for the food and water testing industries, to manage the testing program. EDF provides the following description of the proficiency testing program:

FAPAS will prepare samples of a vegetable puree with known concentrations of arsenic, **cadmium**, and lead and send samples to invited labs. The concentrations will range from around one-half to ten times the limit of quantification (LOQ) established by FDA for its EAM 4.7. The labs will have four to six weeks to provide FAPAS with the results of the analysis for each of the three metals. Speciation of arsenic into its organic and inorganic forms is not required.

FAPAS will evaluate the information, score the results, and provide the Council with a report summarizing the results. While the report will not identify the participating labs, FAPAS will send each lab its own report, and those that perform well are encouraged to share their results with the Council and be considered for listing on the Council’s website.

Companies, including labs, interested in participating should contact EDF’s Boma Brown-West at bbrown@edf.org by **February 15, 2020**. As reported in our November 28, 2019, Update, Healthy Babies Bright Futures [announced](https://www.hbbf.org/sites/default/files/documents/2019-10/Press%20Release%20-%20Baby%20Food%20Study_0.pdf) on October 17, 2019, that 95 percent of the baby foods it tested “contain one or more toxic chemicals, including lead, arsenic, mercury and **cadmium**.”

**OSHA Proposes To Extend Approval Of Information Collection Requirements Specified In Cadmium In Construction Standard**

On November 29, 2019, OSHA published a [*Federal Register* notice](https://www.federalregister.gov/documents/2019/11/29/2019-25828/the-cadmium-in-construction-standard-extension-of-the-office-of-management-and-budgets-omb-approval) soliciting public comments concerning its proposal to extend OMB approval of the information collection requirements in the **Cadmium** in Construction Standard. OSHA states that it has a “particular interest” in comments on the following issues:

* Whether the proposed information collection 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 information collection 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.

Comments are due **January 28, 2020**. Under the PRA, a federal agency generally cannot conduct a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB and displays a currently valid OMB Control Number. OMB authorization for an ICR cannot be for more than three years without renewal. As this type of notice concerns continuing a current collection of information, rather than enacting a new requirement, typically it is not worthy of comment.

**STATE ISSUES**

***Missouri***

**House Resolution Calls For Study Of Operation Large Area Coverage**

H.C.R. 69, which was introduced on January 9, 2020, calls 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 resolution also calls for EPA and DHHS to conduct a study to track the health effects on populations exposed to Operation Large Area Coverage testing. The resolution states that, during the 1950s and 1960s, as part of a series of Cold War experiments, the U.S. Army dusted chosen American cities 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 resolution, the experiments exposed large portions of the United States, and parts of Mexico and Canada, “to flurries of a synthesized chemical called **zinc cadmium sulfide**.”

**INTERNATIONAL ISSUES**

**AUSTRALIA**

**SWA Plans To Include Two-Year Transition Period For Adoption Of GHS Revision 7**

SWA [announced](https://www.safeworkaustralia.gov.au/media-centre/news/adoption-ghs-revision-7-under-model-whs-laws-0) on January 10, 2020, that it is working toward adopting Revision 7 of the GHS under the model WHS laws from **July 1, 2020**, with a two-year transition period for manufacturers and importers. According to SWA, the two-year time frame will allow manufacturers and importers time to prepare new classifications, labels, and SDSs for hazardous chemicals to meet GHS Revision 7 requirements. SWA notes that suppliers and users of hazardous chemicals will not be affected by the move to GHS Revision 7 and will be able to continue to supply and use chemicals classified and labeled under GHS Revision 3 until their stocks run out. SWA intends to release more information on the adoption of GHS Revision 7 “in the coming months.”

**CANADA**

**Canada Intends To Amend DSL To Disclose The Identity Of Certain Masked Substances**

ECCC published a [*Canada Gazette* notice](http://www.gazette.gc.ca/rp-pr/p1/2019/2019-11-30/html/notice-avis-eng.html#nH1) on November 30, 2019, announcing that it intends to amend the DSL to disclose the identity of the substances listed in Annex I by deleting them from the confidential portion of the DSL and adding them to the public portion of the DSL. The notice states that ECCC is conducting a pilot project to review 24 confidentiality claims for substance identity that are older than ten years. According to the notice, most of these substances are part of the third phase of the Chemicals Management Plan. ECCC requests that persons who have a commercial interest in any of the substances listed in Annex I and who wish for a substance identity to remain confidential provide a justification by completing the response template (one per substance). Publication of the *Canada Gazette* notice began a 30-day comment period.

**Canada Publishes Summary Of Feedback From Consultation On Defining Vulnerable Populations**

On December 5, 2019, Canada [published a summary of feedback](https://www.canada.ca/en/health-canada/services/chemical-substances/consulting-future-chemicals-management-canada/what-we-heard-defining-vulnerable-populations.html) from a 2018 consultation on Canada’s proposed definition of vulnerable populations in the context of federal chemicals management activities. The online consultation provided stakeholders an opportunity to review the proposed definition and illustrative examples as a first step toward the development of a policy framework focused on enhancing the protection of vulnerable populations through the assessment and management of risks associated with certain chemicals. According to Canada, it received comments from 55 individual stakeholders and organizations. In general, stakeholders were supportive of the government’s intention to seek opportunities to strengthen its approach when considering vulnerable Canadians in chemicals management; they also supported the definition proposed in the consultation paper. Canada states that it also received suggestions on how the definition for vulnerable populations could be adjusted to highlight related issues, such as occupational exposure, and how a definition could be used in the implementation of a chemicals management program.

**CHINA**

**China Closes Heavy Metal Enterprises To Curb Soil Pollution**

On November 29, 2019, Su Kejing, MEE, announced that China has closed more than 1,300 heavy metal enterprises since 2016 as part of a long-term plan to curb widespread chronic soil pollution. Su stated that he was confident that China could meet a target to make approximately 90 percent of contaminated farmland safe for agriculture by the **end of 2020**. In addition to shutting down 1,300 firms involved in producing and processing heavy metal, China has also “rectified” nearly 700 enterprises working with **cadmium**, a major source of pollution in rice according to Su. He also noted that converting arable land to less pollution-sensitive crops would also help mitigate risks. Beijing established a fund to help pay for its clean-up projects, with 28 billion yuan made available over the past three years, but it has struggled to create incentives and financing mechanisms, especially in old industrial or rural regions where property values are too low to make remediation worthwhile. Su stated that “[i]n the next stage we will work with other departments to encourage private capital and enterprises to inject funds into soil remediation.”

**MEM Publishes Draft Law On Safe Management Of Hazardous Chemicals**

MEM has circulated a draft of the Law on Safe Management of Hazardous Chemicals, which is expected to replace Decree 591, the Regulation on the Safe Management of Hazardous Chemicals. The draft Law would make the following main changes:

* Hazardous chemicals registration: Requirements would be strengthened and a new requirement would be introduced for companies that store large quantities of hazardous chemicals to register them;
* Clearer definition of ministry roles: Currently, the administration of hazardous chemicals in China involves multiple departments or ministries. Since the initial publication of Decree 591, several departments and ministries have been created or merged; and
* Hazardous chemical disposal: Greater emphasis and new regulations on safe disposal. MEE would take the lead.

Comments from government authorities are due **January 31, 2020**.

**HONG KONG**

**CFS Finds Excessive Cadmium In Celery And Chinese Cabbage**

CFS announced on December 18, 2019, that it found **cadmium** at a level of 0.17 ppm in a celery sample, exceeding the legal limit of 0.1 ppm. On December 23, 2019, CFS announced that it tested a celery sample and two Chinese cabbage samples and detected **cadmium** in excess of the legal limits. The celery sample contained **cadmium** at a level of 0.18 ppm, exceeding the legal limit of 0.1 ppm, while both the Chinese cabbage samples contained **cadmium** at levels of 0.1 ppm, exceeding the legal limit of 0.05 ppm.

CFS informed the vendors concerned of the irregularities and is tracing the sources of the affected products. A CFS spokesperson stated that “[b]ased on the levels of **cadmium** detected in the samples, adverse health effects will not be caused under usual consumption.” CFS will continue to follow up on the incidents and take appropriate action.

**JAPAN**

**MHLW Proposes To Update Worker Chemical Exposure Laws, Including Medical Test Requirements For Workers Potentially Exposed To Cadmium**

MHLW has [proposed to update](https://www.mhlw.go.jp/stf/newpage_09081.html) the health monitoring requirements for employees exposed to chemical hazards in the workplace. ISHA requires regular screening for occupational diseases for workers exposed to any chemical on designated lists. MHLW is proposing to revise the ISHA requirements to bring them in line with current medical practices and new knowledge of chemical-related diseases. The revisions would update the medical test requirements for workers potentially exposed to **cadmium**. The revisions are scheduled for final approval in **late February 2020** and implementation in **July 2020**.

**SOUTH KOREA**

**KATS Limits Cadmium In Synthetic Resin (Plastic) Products**

KATS issued a notice on October 29, 2019, limiting lead, **cadmium**, and three phthalates in synthetic resin (plastic) products. The limits in the new Annex 24 of the Safety Standards for Household Goods apply to plastic products that are in frequent contact with the skin, including:

* Mats, such as kitchen mats and yoga mats;
* Footwear, such as bath shoes and slippers; and
* Other plastic products, such as mobile phone cases, earphones that are in direct contact with the ear, gym balls, toilet seats, and similar products.

The **cadmium** content must not exceed 75 mg/kg. Any plastic product regulated under the following three Acts will be exempt:

* The Food Sanitation Act;
* The Electrical Appliances and Household Products Safety Management Act; and
* The Special Act on Safety Management of Children’s Products Act.

**MOE Proposed To Revise K-BPR Safety Standards**

On November 27, 2019, MOE [issued a notice](http://me.go.kr/home/web/board/read.do?pagerOffset=0&maxPageItems=10&maxIndexPages=10&searchKey=&searchValue=&menuId=286&orgCd=&boardId=1097240&boardMasterId=1&boardCategoryId=&decorator=) announcing draft updated safety standards for consumer chemical products subject to safety checks under K-BPR. Effective **January 1, 2021**, K-BPR will cover three new product-types (*i.e*., stamp pads, correction fluid/tape, and fog machine fluids). Arsenic and **cadmium** would be prohibited in stamp pads. Comments were due December 17, 2019.

**Revised OSH Act Enforcement Decree Includes Ban On Subcontracting Processing Cadmium**

MOEL [announced](http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=10595) on December 17, 2019, a revised enforcement decree to the OSH Act that provides new rules for subcontractors. The new restrictions on using subcontractors includes:

* A ban on subcontracting hazardous work, such as plating work or processing mercury, lead, or **cadmium**;
* Any subcontracting work handling acute toxic substances will require approval from MOEL;
* Subcontracting for renovating and demolishing facilities will be allowed if there are high levels of sulfuric acid, hydrogen fluoride, nitric acid, or hydrogen chloride that require specialist subcontractors; and
* Subcontractors must appoint a qualified occupational safety person.

Subcontractors are now responsible for ensuring workplace health and safety across the entire site of operation. Previously, their responsibility extended only to “dangerous areas.” The penalties for contractors violating safety measures have been increased to a maximum of three years in prison or a fine of up to $25,900. For worker fatalities due to negligence, the penalty is a prison sentence of up to seven years and a fine of up to $86,400.

**TAIWAN**

**Taiwan’s Lists Of PEC Candidate Substances Includes Several Cadmium Compounds**

Taiwan EPA has compiled [two lists of candidate substances for future designation as PECs](https://www.lawbc.com/uploads/docs/Ic5Rf0Z.pdf). List A contains more than 1,300 chemicals that Taiwan considers hazardous or as having a high exposure potential, while List B comprises more than 11,000 substances that require more data before a determination can be made. A search for “**cadmium**” found the following substances:

| **List Type** | **Substance Name in English****(for reference only)** | **CAS Number** | **Stage** | **Major Hazard(s)** |
| --- | --- | --- | --- | --- |
| List A | **Cadmium stearate** | 2223-93-0 |  | Carcinogenicity: Category 1Hazardous to the aquatic environment (chronic toxicity): Category 1 |
| List B | **Cadmium selenide** | 1306-24-7 | TBD |  |
| List B | **Silicic acid, zirconium salt, cadmium pigment-encapsulated** | 102184-95-2 | TBD |  |
| List B | **Sulfuric acid, cadmium salt (1:1), hydrate (3:8)** | 7790-84-3 | TBD |  |
| List B | **Cadmium dioleate** | 10468-30-1 | TBD |  |
| List B | **Cadmium 4-(1,1-dimethylethyl)benzoate** | 4167-05-9 | TBD |  |
| List B | **Cadmium bis[benzoate]** | 3026-22-0 | TBD |  |

**Taiwan Revises Regulations To Implement TCSCCA**

On January 16, 2019, the TCSCA was amended and renamed the TCSCCA. As reported in Taiwan EPA’s October 22, 2019, press release, “[Amendments Preannounced for the Management and Handling of Toxic and Chemical Substances of Concern](https://www.epa.gov.tw/eng/F7AB26007B8FE8DF/dae076ec-59e0-4e35-8119-79f761075a27),” the amended TCSCCA requires amendments to the Permit Registration and Approval Regulations for Toxic Chemical Substances, the Regulations Governing Recordkeeping for the Handling and Release of Toxic Chemical Substances, and the Toxic Chemical Substances Labeling and MSDS Regulations. In January 2019, Taiwan EPA issued the following revised regulations implementing TCSCCA:

* [The Administrative Measures for the Labeling and MSDSs of Toxic and Chemical Substances of Concern](https://gazette.nat.gov.tw/egFront/detail.do?metaid=112549&log=detailLog), which includes the following provisions:
* When there are any difficulties with labeling caused by the appearance or material of the container or packaging, alternative methods may be used, such as using fold-out labels, attaching hang tags, or directly printing required information on the containers; and
* To enhance risk communication for handling processes, labeling and MSDSs are to be in Chinese, with an English translation when necessary. A grace period will be provided to those who need to revise their label content and MSDSs based on this regulation.
* [Administrative Measures for the Permit Registration and Approval of Toxic and Chemical Substances of Concern](https://gazette.nat.gov.tw/egFront/detail.do?metaid=112645&log=detailLog):, which includes the following provisions:
* Class 4 Toxic Chemical Substances are now regulated by these Administrative Measures instead of the Management Regulations Governing Permission to Use Class 4 Toxic Chemical Substances;
* To simplify the application and review process, permit, registration, and approval documents are to be applied for and granted based on the handlers or operating sites instead of having separate permits for each individual chemical substance; and
* Provisions governing the replacement, revision, or extension of permits are added.

**THAILAND**

**Thai Industrial Standard For Toys Would Align With ISO Standards**

MOI notified WTO on November 14, 2019, that it intends to update its standard on chemicals in toys to align with ISO 8124-1:2018, which outlines the safety requirements of toys, including their components and accessories, intended for use by children under the age of 14. The standard specifies the scope, definitions, prohibited materials, flammability rules, packaging, marking and labeling, sampling and criteria, and testing and analysis requirements. Toys marketed in Thailand would also have to comply with ISO 8124-6:2018, a standard for phthalates. The draft standard includes maximum acceptable migration levels in toys for several metals, including **cadmium**. If adopted, the Thai Industrial Standard for Toys: Safety Requirements: Part 1 -- would replace the following existing standards:

* Part 1 -- 2540 (1997): Toys: Part 1 General requirements;
* Part 2 -- Packages and labeling; and
* Part 3 -- Methods of test and analysis.

**TISI Intends To Revise Pacifier Standard, Including Reducing Limit For Cadmium**

TISI notified WTO of its intent to repeal TIS 1025-2534, the current standard on pacifiers for babies and young children. TISI plans to replace it with a standard that would introduce migration limits for eight new elements and reduce existing limits for seven others, including **cadmium**. The proposed limit for **cadmium** would be reduced from 75 to 1.8 mg/kg. The new standard would implement the limits in EU standard EN 71-3:2013+A2:2017 Safety of Toys -- Part 3: Migration of Certain Elements. It includes reference to several other international standards, including EN 1400:2013+A1:2014 Child use and care articles -- Soothers for babies and young children -- Safety requirements and test methods. The proposed date of adoption and entry into force is yet to be determined.

\* \* \* \* \*

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

**Acta** -- The Acta Group

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

**CAS** -- Chemical Abstracts Service

**CFS** -- Center for Food Safety

**DHHS** -- U.S. Department of Health and Human Services

**Dodd-Frank Act** -- Dodd-Frank Wall Street Reform and Consumer Protection Act

**EDF** -- Environmental Defense Fund

**EPA** -- U.S. Environmental Protection Agency

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

**EU** -- European Union

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

**ICdA** -- International Cadmium Association

**ICR** -- Information Collection Request

**IMERC** -- Interstate Mercury Education and Reduction Clearinghouse

**ISHA** -- Industrial Safety and Health Act

**ISO** -- International Organization for Standardization

**KATS** -- Korean Agency for Technology and Standards

**K-BPR** -- Consumer Chemical Products and Biocide Safety Management Law

**Lautenberg Act** -- Frank R. Lautenberg Chemical Safety for the 21st Century Act

**MEE** -- Ministry of Ecology and Environment

**MEM** -- Ministry of Emergency Management

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

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

**MOE** -- Ministry of Environment

**MOEL** -- Ministry of Employment and Labor

**MOI** -- Ministry of Industry

**MSDS** -- Materials Safety Data Sheet

**NRDC** -- Natural Resources Defense Council

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

**OSH** -- Occupational Safety and Health

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

**PEC** -- Priority Existing Chemical

**ppb** -- Part Per Billion

**ppm** -- Part per Million

**PRA** -- Paperwork Reduction Act

**SDS** -- Safety Data Sheet

**SEC** -- Securities and Exchange Commission

**SWA** -- Safe Work Australia

**Taiwan EPA** -- Taiwan Environmental Protection Administration

**TBD** -- To Be Determined

**TCSCA** -- Toxic Chemical Substance Control Act

**TCSCCA** -- Toxic and Chemical Substances of Concern Control Act

**TISI** -- Thai Industrial Standards Institute

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**WHS** -- Work Health and Safety

**WTO** -- World Trade Organization

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