#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

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

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

# NEW DEVELOPMENTS

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

Federal Issues

CERCLA Issues

EPA Publishes Decision Not To Proceed With Final Rule Regarding Financial Responsibility Requirements For Hardrock Mining Industry, page 3

EPCRA Issues

EPA Publishes 2016 TRI National Analysis, Holds Webinar, page 3

Mining And Mineral Issues

House Committee Reviews, Passes National Strategic And Critical Minerals Production Act, page 4

MSHA Will Step Up Efforts To Collect Unpaid Safety Fines, page 5

House Subcommittee Holds Oversight Hearing on Abandoned Hardrock Mines And The Role Of Non-Governmental Entities, page 5

TSCA Issues

EPA Publishes 2018 Plan For Chemical Risk Evaluations Under TSCA, page 6

EPA Seeks Comment On Third Approach For Assigning And Applying UIDs, page 7

EPA Issues Proposed Rule Concerning User Fees For The Administration Of TSCA, page 7

Miscellaneous Issues

Pruitt Outlines New Restrictions On Science Used In Rulemaking, page 8

State Issues

*California*

CDTSC Releases Draft 2018-2020 Priority Product Work Plan, page 8

Court Approves Settlement With Chocolate Manufacturers Regarding Lead And Cadmium, page 9

*Minnesota*

MDH Panel Meeting Includes Update On MN FEET Project, page 9

*New Jersey*

Bill Would Prohibit Sale Of Adulterated Candy In New Jersey, page 10

*New York*

Bill Would Create Lists Of Chemicals Of High Concern And Priority For Pet Products; Cadmium Would Be Included, page 10

International Issues

China

China Intends To Reform Organizational Structure Of State Council, page 11

China Publishes RoHS2 Compliance Management Catalog And Exemption List, page 11

EEU

EEU Regulation Aligned With EU RoHS Takes Effect, page 13

South Korea

MOEL Holds Public Consultation On Proposed OSH Act Amendments, page 13

K-REACH Amendments Will Be Enforced January 2019, page 14

Taiwan

BSMI Amends Inspection Standard For Paints, Sets Maximum Level For Cadmium, page 15

**FEDERAL ISSUES**

**CERCLA ISSUES**

**EPA Publishes Decision Not To Proceed With Final Rule Regarding Financial Responsibility Requirements For Hardrock Mining Industry**

As reported in our January 28, 2018, Update, 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. EPA published a [*Federal Register* notice](https://www.federalregister.gov/documents/2018/02/21/2017-26514/financial-responsibility-requirements-under-cercla-section-108b-for-classes-of-facilities-in-the) on February 21, 2018, announcing its decision. EPA notes that the final rulemaking is its final action on the proposed rule. The final action was effective on March 23, 2018. More information regarding the January 11, 2017, proposed rule is available in our January 28, 2017, Update.

**EPCRA ISSUES**

**EPA Publishes 2016 TRI National Analysis, Holds Webinar**

EPA [announced](https://www.epa.gov/newsreleases/epa-publishes-annual-toxics-release-inventory-report-and-analysis) on January 30, 2018, the availability of its 2016 TRI National Analysis. EPA states:

Coal- and oil-powered electric utilities and paper manufacturing facilities reported the greatest reductions, but nearly every sector reduced its air releases. Since 2006, air releases of TRI-listed chemicals fell 58% (at industrial facilities submitting data to the program).

Hydrochloric acid, sulfuric acid, toluene, and mercury were among chemicals with significantly reduced air releases. This trend is helping protect millions of families and children from these harmful pollutants. During the ten-year period, combined hydrochloric acid and sulfuric acid air releases declined more than 573 million pounds, and mercury and mercury compounds declined more than 89,000 pounds at TRI-covered facilities.

On February 7, 2018, EPA [held a webinar](https://www.epa.gov/sites/production/files/2018-01/documents/2016_trina_webinar.pdf) to look at highlights from the 2016 TRI data and “to take a tour” of the National Analysis website.

**MINING AND MINERAL ISSUES**

**House Committee Reviews, Passes National Strategic And Critical Minerals Production Act**

On February 15, 2018, the House Natural Resources Subcommittee on Energy and Mineral Resources held a [legislative hearing](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=403927) on the National Strategic and Critical Minerals Production Act (H.R. 520). According to the [hearing memorandum](https://naturalresources.house.gov/UploadedFiles/Memo_--_Leg_Hrg_H.R._520.pdf), the bill will support mineral production in the U.S. by boosting efficiency in the permitting process for mineral production, emphasizing coordination between federal and state agencies, minimizing delays and duplicative reviews, and creating more predictable timeframes. The memorandum states that the bill “also aligns with policy objectives in President Trump’s December 20, 2017 Executive Order outlining a federal strategy to ensure a reliable supply of critical minerals. The federal government is instructed to ‘[streamline] leasing and permitting processes to expedite exploration, production, processing, reprocessing, recycling, and domestic refining of critical minerals.’” The memorandum notes that a version of the bill has passed the House in the last three Congresses: H.R. 4402 (112th Congress); H.R 761 (113th Congress); as part of H.R. 4 (113th Congress); and H.R. 1937 (114th Congress). Witnesses included:

* Greg Lucero, Vice President, Community & Government Affairs, Arizona Mining;
* Aaron Mintzes, Senior Policy Counsel, Earthworks;
* Doug Stiles, General Manager, Hecla Mining Company; and
* David S. Abraham, Senior Fellow, New America Foundation, Director, Technology, Rare and Electronics Materials Center, Electronic Materials Center.

On March 7, 2018, the House Committee on Natural Resources passed H.R. 520 by a vote of 21-16. During the markup, Representative Alan Lowenthal (D-CA) offered an amendment to tighten the definition of a strategic and critical mineral, arguing that the bill’s language theoretically includes all minerals, including sand, gravel, and clay. Lowenthal’s amendment used the more restrictive definition from Trump’s December 2017 Executive Order on critical minerals. Republicans argued that even aggregate materials can be critical in emergencies, however, and the amendment failed 20-16. Representative Paul Gosar (R-AZ) stated last month that he thinks “there’s a sentiment that it can pass” and that “[t]he air is a little bit different because everybody wants infrastructure.” Representative Raul Grijalva (D-AZ), the Committee’s Ranking Member, disagreed during the markup, stating that the bill is trapped in an “endless partisan loop” and has no hope in the Senate. Senator Dean Heller (R-NV) introduced a companion bill (S. 145) in the Senate in January 2018. The bill was referred to the Senate Energy and Natural Resources Committee.

**MSHA Will Step Up Efforts To Collect Unpaid Safety Fines**

On March 6, 2018, an editorial by David Zatezalo, Assistant Secretary for Mine Safety and Health, appeared in *The Intelligencer Wheeling News Register*. According to the editorial, which MSHA [posted on its website](https://www.msha.gov/asst-sec-zatezalo-oped-%E2%80%93-collecting-mine-safety-fines) on March 7, 2018, Zatezalo is taking action to strengthen MSHA’s Scofflaw Program, which was created to pursue the collection of unpaid fines. Zatezalo states that if operators fail to show good faith and arrange to pay their penalties, “MSHA will pursue them with every means under the law.” Mine operators that do not pay their safety and health fines can be forced to cease production until fines are resolved. Zatezalo notes that at all times, miners will be paid.

**House Subcommittee Holds Oversight Hearing On Abandoned Hardrock Mines And The Role Of Non-Governmental Entities**

On March 15, 2018, the House Natural Resources Subcommittee on Energy and Mineral Resources held an oversight hearing on “[Abandoned Hardrock Mines and the Role of Non-Governmental Entities](https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=404154).” The [hearing memorandum](https://naturalresources.house.gov/UploadedFiles/Hearing_Memo_--_EMR_Ov_Hrg_03.15.18.pdf) provides the following policy overview:

* Domestic hardrock mining contributes to local economies, creates jobs, and benefits the nation’s overall economic security;
* Abandoned hardrock mines, deserted before the era of modern regulations and with no current responsible party, pose threats to the environment and widespread financial burdens at the state, federal, and local level;
* Certain third-party entities are willing and able to lend their resources to the cleanup of these abandoned mine sites, but their efforts are stymied by the threat of assumed liability; and
* Empowering third parties to assist in reclamation efforts is vital to resolving the longstanding issue of abandoned hardrock mines.

The Subcommittee heard from the following witnesses:

* Autumn Coleman, Vice President, National Association of Abandoned Mine Lands Programs, Program Manager, Abandoned Mine Lands Program, MDEQ;
* Jeff Graves, Director, Office of Active and Inactive Mines, State of Colorado;
* David Strohmaier, County Commissioner, Missoula County, Montana; and
* Chris Wood, President and CEO, Trout Unlimited.

During the hearing, Subcommittee members appeared to agree on the need for legislation to limit environmental liabilities for “Good Samaritan” parties seeking to remediate contamination voluntarily at abandoned mines. Subcommittee Chair Paul Gosar (R-AZ) stated that he wants a pilot program that would indicate whether third parties could step in to clean up abandoned hardrock mines successfully. Representative Scott Tipton (R-CO) noted that “liability has always been the sticking point” on Good Samaritan cleanups of abandoned mines, but stated that he was “gratified” to hear lawmakers from both sides of the aisle recognize the need to start addressing this. Wood urged Congress to authorize an EPA-led pilot program of five to ten projects in the western states to test the idea.

**TSCA ISSUES**

**EPA Publishes 2018 Plan For Chemical Risk Evaluations Under TSCA**

EPA published on January 31, 2018, its [2018 annual plan](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/2018-annual-report-risk-evaluations) on chemical risk evaluations. The annual plan identifies the next steps for the first ten chemical reviews currently underway and describes EPA’s work in **2018** to prepare for future risk evaluations. According to EPA, it “continues to make steady progress in meeting [its] statutory requirements under amended TSCA.” EPA states that it will initiate prioritization for 40 chemicals -- at least 20 Low-Priority and 20 High-Priority candidates -- by the **end of calendar year 2018**. By **December 22, 2019**, EPA states that it will have designated 20 substances as Low-Priority and initiated risk evaluations on 20 High-Priority substances. The first ten chemical reviews currently underway are:

1, 4-Dioxane Methylene Chloride

1-Bromopropane N-Methylpyrrolidone

Asbestos Pigment Violet 29

Carbon Tetrachloride Trichloroethylene

Cyclic Aliphatic Bromide Cluster (HBCD) Tetrachloroethylene

**EPA Seeks Comment On Third Approach For Assigning And Applying UIDs**

On February 8, 2018, EPA published a [*Federal Register* notice](https://www.federalregister.gov/documents/2018/02/08/2018-02548/assignment-and-application-of-the-unique-identifier-under-the-toxic-substances-control-act) requesting comment on an additional approach for assigning and applying UIDs. Under new TSCA, EPA must develop a system to assign a UID whenever it approves a CBI claim for the specific chemical identity of a chemical substance, to apply this UID to other information concerning the same substance, and to ensure that any nonconfidential information received by EPA identifies the chemical substance using the UID while the specific chemical identity of the chemical substance is protected from disclosure. EPA previously requested comment on approaches for assigning and applying UIDs, and has developed a third alternative approach on which it now requests comment. Under this approach, EPA would assign one UID per chemical substance. In most cases, EPA would apply the UID to all non-confidential information concerning the same chemical substance, from any company. In a small number of cases, however, EPA would not apply the UID to some non-confidential documents, to preserve approved CBI claims for specific chemical identity where the non-confidential document itself does not undermine the CBI claim, but EPA’s application of the UID to that document would result in a linkage that would undermine the CBI claim. The basic criterion for application of the UID to submissions made by different submitters is that EPA’s act of applying the UID must not disclose to the public the confidential specific chemical identity that the UID was assigned to protect. Comments were due March 12, 2018.

**EPA Issues Proposed Rule Concerning User Fees For The Administration Of TSCA**

On February 26 2018, EPA published in the *Federal Register* a [proposed rule](https://www.gpo.gov/fdsys/pkg/FR-2018-02-26/html/2018-02928.htm) concerning user fees for the administration of TSCA. EPA proposes to set user fees applicable to any person required to submit information to EPA under TSCA Section 4 or a notice, including an exemption or other information, to be reviewed by the Administrator under TSCA Section 5, or who manufactures (including imports) a chemical substance that is the subject of a risk evaluation under TSCA Section 6(b). The proposed rule provides a description of proposed TSCA fees and fee categories for FYs **2019**, **2020**, and **2021**, and explains the methodology by which the proposed TSCA user fees were determined and would be determined for subsequent FYs. EPA is also proposing standards for determining which persons qualify as small business concerns and thus would be subject to lower fee payments. Comments are due **April 27, 2018**. More information on the proposed rule is available in B&C®’s February 9, 2018, memorandum, “[Administrator Pruitt Signs TSCA User Fee Proposal](http://www.lawbc.com/regulatory-developments/entry/administrator-pruitt-signs-tsca-user-fee-proposal).”

**MISCELLANEOUS ISSUES**

**Pruitt Outlines New Restrictions On Science Used In Rulemaking**

During a March 13, 2018, interview, EPA Administrator Scott Pruitt stated that EPA should rely on science that is “very objective, very transparent and very open,” describing his concern as focused on third-party research in which findings are published but the underlying data and methodology are not open for scrutiny. According to Pruitt, whenever EPA receives scientific evaluations from third parties, “the methodology and data need to be a part of the official record -- the rulemaking -- so that you and others can look at it and say, ‘was it wisely done?’” Critics of the policy, which has not been formally announced, argue that the release of underlying data could potentially violate medical privacy protections or require the disclosure of trade secret information and other data that form the basis for air quality standards, pesticide and chemical approvals, and other rules.

**STATE ISSUES**

***California***

**CDTSC Releases Draft 2018-2020 Priority Product Work Plan**

On February 8, 2018, CDTSC released its [draft **2018-2020** Priority Product Work Plan](http://www.dtsc.ca.gov/SCP/PriorityProductWorkPlan.cfm) for public review. CDTSC must issue a Work Plan every three years that identifies the product categories it will evaluate during that three-year period to identify Priority Products. The Work Plan provides a general explanation of CDTSC’s decision to select the product categories identified in the Work Plan:

* Beauty, Personal Care, and Hygiene Products;
* Cleaning Products;
* Household, School, and Workplace Furnishings and Décor;
* Building Products and Materials Used in Construction and Renovation;
* Consumable Office, School, and Business Supplies;
* Food Packaging; and
* Lead-Acid Batteries.

CDTSC will work over the next three years to move from the broad categories identified in the Work Plan to specific product-chemical combinations that warrant consideration as potential Priority Products. CDTSC will then engage in a formal rulemaking process to identify specific product-chemical combinations as Priority Products. Comments were due March 9, 2018.

**Court Approves Settlement With Chocolate Manufacturers Regarding Lead And Cadmium**

On February 15, 2018, the California Superior Court approved a settlement resolving claims over whether certain levels of lead and **cadmium** in chocolate require warnings under Proposition 65. According to As You Sow’s February 15, 2018, [press release](https://www.asyousow.org/press-releases/2018/2/14/court-establishes-guidelines-for-chocolate-sold-in-california), the settlement requires a joint study to investigate and report on the main sources of lead and **cadmium** in chocolate products. The press release states that the experts who conduct the study “will also make findings and recommendations on feasible measures that may be taken, if any, to meaningfully reduce levels of lead and **cadmium** found in chocolate products.” The experts’ findings will be published in a public report and “are expected to further the dialogue between As You Sow and the chocolate companies.” The settlement agreement also sets thresholds for determining when Proposition 65 warnings will be required for chocolate products based on their percentage of cacao content and their levels of lead and **cadmium**. The following companies are part of the settlement: Barry Callebaut (USA); Blommer Chocolate Co.; Cargill, Inc.; Guittard Chocolate Co.; The Hershey Company; Lindt & Sprungli (North America); Mars Incorporated; Mondelez Global LLC; and Nestle USA, Inc. The court also authorized an “opt-in” program to allow additional companies that make or offer chocolate products for sale in California to become additional parties to the settlement if they are willing to comply with its terms.

***Minnesota***

**MDH Panel Meeting Includes Update On MN FEET Project**

The MDH Environmental Health Tracking and Biomonitoring Advisory Panel met on February 13, 2018. According to the [background materials](http://www.health.state.mn.us/divs/healthimprovement/content/documents-tracking/Panel/2018februarymaterials.pdf), the meeting included an update on the MN FEET Project, which “is measuring mercury, lead and **cadmium** in Twin Cities pregnant women and their babies.” The update included information on the following topics:

* Recruitment Status: Recruitment is complete. While recruitment through HealthPartners Institute and SoLaHmo ended in April, 2017, community-based recruitment of East African women continued through November 2017. The recruiters encountered various barriers to recruitment and were not able to recruit the hoped for numbers of women. The recruiters “did a tremendous amount of community outreach about the chemicals in MN FEET and ways to reduce exposure, and made a number of helpful contacts in the East African community.”
* Outreach and Communication of Results: Staff has begun to share publicly preliminary MN FEET results for Asian, Latina, and White women. So far, this has been done through community members and community organizations. A broader public release of results is planned for **late winter 2018** when analysis is complete.
* Data Analysis: Survey Results and MN FEET Plus: Efforts are ongoing to analyze responses to the MN FEET survey questions. Data are being cleaned and univariate and multivariate regression analyses planned. MN FEET Plus, the sub-study analyzing mercury in newborn blood spots from MN FEET participants, has also entered the data analysis phase.

***New Jersey***

**Bill Would Prohibit Sale Of Adulterated Candy In New Jersey**

On January 29, 2018, A.B. 2179 was introduced. It would define “adulterated candy” as any candy, either with or without a wrapper, that contains, is composed of, or is made with lead, mercury, or **cadmium** that has been intentionally introduced as a chemical element during manufacturing or distribution, as opposed to naturally occurring levels of any of those elements. “Adulterated candy” would also mean any candy with a wrapper that contains, is composed of, or is made with lead, mercury, or **cadmium**.

***New York***

**Bill Would Create Lists Of Chemicals Of High Concern And Priority For Pet Products; Cadmium Would Be Included**

S.B. 7660 was introduced on February 5, 2018. The bill would amend the environmental conservation law to create a new Title 9 regarding toxic chemicals in pet products. It would create a list of chemicals of high concern, including **cadmium** and **cadmium compounds**. It would also create a list of priority chemicals, which would include **cadmium**. Under the bill, the lists of chemicals of high concern and priority chemicals would be published within 180 days of the effective date. Manufacturers would be required to report pet products that contain intentionally added priority chemicals. Effective **January 1, 2020**, the distribution or sale of pet products containing priority chemicals that have been listed for at least one year would be prohibited. S.B. 7660 is a companion bill to A.B. 7739, which was introduced on May 11, 2017.

**INTERNATIONAL ISSUES**

**CHINA**

**China Intends To Reform Organizational Structure Of State Council**

The central government announced on March 13, 2018, that it intends to reform the organizational structure of the State Council. Under the reform, the number of state-level ministries and vice-ministerial agencies would be reduced. The reform would include changes to MEP, SAWS, AQSIQ, SAIC, and CFDA. MEP would be renamed the Ministry of Ecological Environment and would be more responsible for ecological protection and environmental management of chemical substances in China. SAWS and the fire service department under the Ministry of Public Security would merge into the Ministry of Emergency Management, a new ministry that is expected to continue to take the lead role in licensing, registration, and storage of hazardous chemical management in China. SAWS’s responsibility for overseeing occupational health would be transferred to the National Health Commission (previously the Ministry of Health).

**China Publishes RoHS2 Compliance Management Catalog And Exemption List**

MIIT [published](http://www.miit.gov.cn/n1146295/n1652858/n1652930/n4509607/c6086973/content.html) on March 15, 2018, a [compliance management catalog](http://www.miit.gov.cn/n1146295/n1652858/n1652930/n4509607/c6086973/part/6087073.pdf) listing electrical and electronic products that must comply with RoHS2, as well as a list of use exemptions. The documents will enter into force on **March 12, 2019**. The catalog lists 12 product [types](http://www.miit.gov.cn/n1146295/n1652858/n1652930/n4509607/c6086973/part/6087074.pdf) that must comply with the hazardous substance restrictions in GB/T26572 2011:

* Refrigerators;
* Air conditioners;
* Washing machines;
* Electric water heaters;
* Printers;
* Photocopiers;
* Fax machines;
* Televisions, including:
* Cathode-ray tube (black-and-white, color) televisions;
* LCD televisions;
* Oled televisions;
* Rear-projection televisions;
* Mobile television receiving terminals; and
* Other television tuner (high-frequency head) for receiving signals and restoring images and acoustic terminal equipment;
* Monitors;
* Microcomputers;
* Mobile communication devices; and
* Telephones.

When used as parts of products not listed in the catalog, the above products are out of the scope of RoHS2. The exemption list contains details of 39 products or component parts that are exempt from the hazardous substance restrictions, and their limits if applicable. As reported in our January 28, 2016, Update, on January 21, 2016, MIIT announced RoHS2, which entered into force on July 1, 2016. RoHS2 restricts the following substances in electrical and electronic products:

* **Cadmium** and **compounds**, 0.01 percent;
* Mercury and compounds, 0.1 percent;
* Lead and compounds, 0.1 percent;
* Hexavalent chromium and compounds, 0.1 percent;
* PBBs, 0.1 percent; and
* PBDEs, 0.1 percent.

**EEU**

**EEU Regulation Aligned With EU RoHS Takes Effect**

On March 1, 2018, a final EEU regulation on the restriction of the use of hazardous substances in electrical and electronic equipment took effect. The final regulation, which is aligned with the EU RoHS Directive, applies to the EEU Member States: Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia. The restricted substances, and their maximum concentration values tolerated by weight in homogeneous materials, are:

* Lead (0.1 percent);
* Mercury (0.1 percent);
* **Cadmium** (0.01 percent);
* Hexavalent chromium (0.1 percent);
* PBBs (0.1 percent); and
* PBDEs (0.1 percent).

The final regulation applies to products, including: domestic appliances, IT equipment, telecommunications equipment, lighting equipment, electrical tools, leisure and sports equipment, and vending machines. Excluded items include electric toys, solar panel and photovoltaic installations, products designed for use in land-based and orbiting space objects, medical devices, and electric batteries. The final regulation outlines conditions for compliance, labeling, and operation in the Customs Union market. EEU Member States have until **March 1, 2020**, to comply.

**SOUTH KOREA**

**MOEL Holds Public Consultation On Proposed OSH Act Amendments**

MOEL recently held a public consultation on [proposed OSH Act amendments](http://opinion.lawmaking.go.kr/gcom/ogLmPp/43353?cptOfiOrgCd=1492000). Under the amendments, manufacturers and importers of GHS hazardous substances, or products containing them, would be required to submit the relevant SDSs to MOEL. Companies whose notices contain CBI will need to apply for a three-year confidentiality agreement. To extend the confidentiality agreement, companies would have to reapply. The proposed amendments would increase the penalties for violations; give business owners responsibility for the health and safety plan; and tighten rules on subcontracting. The proposed amendments were prompted by a rise in the number of hazardous substances used in manufacturing. MOEL will provide worker health and safety information from the submitted SDSs to relevant parties. Comments were due March 21, 2018.

**K-REACH Amendments Will Be Enforced January 2019**

MOE [announced](http://www.me.go.kr/home/web/board/read.do?boardMasterId=1&boardId=847750&menuId=286) on March 14, 2018, that amendments to K-REACH would be promulgated on March 20, 2018, and be enforced beginning **January 1, 2019**. As initially enacted, K-REACH would have designated PECs in three batches for registration. MOE announced the [first batch of PECs](http://www.actagroup.com/uploads/docs/00162853.PDF) on July 1, 2015, and PECs imported above one ton per year must be registered by **June 30, 2018**. This registration deadline is unchanged by the amendments. The amendments will apply a phase-in registration mechanism for the remaining existing chemical substances manufactured or imported in volumes greater than or equal to one ton per year, however. The amendments include the following registration deadlines, based on hazard and tonnage band:

* **2018**: 510 PECs, including **cadmium** and a number of **cadmium compounds**;
* **2021**: Registration deadline for all substances used in volumes of over 1,000 tons per year and CMR substances used in volumes of one ton or more per year;
* **2024**: Registration deadline for substances used in volumes of 100 to 1,000 tons per year;
* **2027**: Registration deadline for substances used in volumes of ten to 100 tons per year; and
* **2030**: Registration deadline for substances used in volumes of one to ten tons per year.

A draft version of enforcement rules for the amended K-REACH is expected in **April 2018**. The **June 30, 2018**, registration deadline for the 510 PECs, including **cadmium** and a number of **cadmium compounds**, is unchanged. More information regarding the amendments is available in B&C’s March 16, 2018, memorandum, “[K-REACH Amendments Expected to Be Promulgated Shortly and Be Enforced January 2019](http://www.lawbc.com/regulatory-developments/entry/k-reach-amendments-expected-to-be-promulgated-shortly-and-be-enforced-janua).”

**TAIWAN**

**BSMI Amends Inspection Standard For Paints, Sets Maximum Level For Cadmium**

On February 6, 2018, BSMI [amended](https://www.bsmi.gov.tw/wSite/public/Data/f1517887963846.pdf) the inspection standard for paints to require testing for formaldehyde emissions and heavy metal content. The amendment adopts the 2016 revisions of the CNS national standards that apply to the following types of paint:

* Ready mixed paint (synthetic resin type) -- CNS601 (updated August 29, 2016);
* Enamel paint -- CNS606 (August 29, 2016);
* Emulsion paint -- CNS4940 (June 14, 2016);
* Solvent-based masonry paints -- CNS8144 (August 29, 2016); and
* Fire-retardant paints -- CNS11728 (August 29, 2016).

Product labels must list the levels of formaldehyde emissions and heavy metal content, as well as VOC levels. The maximum levels permitted follow CNS15931 -- General safety requirements for paints -- revised on August 29, 2016:

* Formaldehyde emissions -- 0.12 mg/l (indoor use) and 1.8 mg/l (outdoor use);
* Lead content -- 90 mg/kg (indoors) and 600 mg/kg (indoor use);
* **Cadmium** -- 75 mg/kg and 100 mg/kg (indoor use);
* Mercury -- 60 mg/kg and 100 mg/kg (indoor use); and
* Chromium -- 60 mg/kg and 300 mg/kg (indoor use).

BSMI has indicated that it will revise the standard again in **2019**.

\* \* \* \* \*

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

## ACRONYMS

**AQSIQ** -- General Administration of Quality Supervision, Inspection and Quarantine

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

**BSMI** -- Bureau of Standards, Metrology, and Inspection

**CBI** -- Confidential Business Information

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

**CEO** -- Chief Executive Officer

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

**CFDA** -- China Food and Drug Administration

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

**CNS** -- National Standard of the Republic of China

**EEU** -- Eurasian Economic Union

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

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

**EU** -- European Union

**FY** -- Fiscal Year

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

**ICdA** -- International Cadmium Association

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

**LCD** -- Liquid-Crystal Display

**MDEQ** -- Montana Department of Environmental Quality

**MDH** -- Minnesota Department of Health

**MEP** -- Ministry of Environmental Protection

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

**mg/l** -- Milligram Per Liter

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

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

**MOE** -- Ministry of the Environment

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

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

**OSH** -- Occupational Safety and Health

**PBB** -- Polybrominated Biphenyl

**PBDE** -- Polybrominated Diphenyl Ether

**PEC** -- Priority Existing Chemical

**ppm** -- Part Per Million

**RoHS2** -- Administrative Measures for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products

**SAIC** -- State Administration for Industry and Commerce

**SAWS** -- State Administration of Work Safety

**SDS** -- Safety Data Sheet

**TRI** -- Toxics Release Inventory

**TSCA** -- Toxic Substances Control Act

**UID** -- Unique Identifier

**VOC** -- Volatile organic compound

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)