#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

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

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

# NEW DEVELOPMENTS

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

Federal Issues

Mining And Mineral Issues

USDA Publishes Notice Concerning Locatable Minerals, page 3

TSCA Issues

EPA Amends CDR Rule And Extends 2020 Submission Period, page 4

Miscellaneous Issues

ATSDR Requests Comments On Proposed Substances To Be Evaluated For Toxicological Profile Development, page 5

Carter’s Includes Cadmium On RSL, page 5

EPA Proposes Rule To Improve Transparency Of Guidance, page 6

NGO Highlights FDA Review Of Mitigation Strategies To Reduce Dietary Exposure To Cadmium, page 6

State Issues

*D.C.*

D.C. Updates Aquatic Life Criteria For Cadmium, page 7

*Minnesota*

CPIT Tests Spinning Battle Toys For Lead And Cadmium, page 8

*New York*

Governor Signs Bill Amending Child Safe Products Act, page 8

International Issues

Australia

Australia Pauses Review Of Workplace Exposure Standards, page 8

NICNAS List Of Chemicals With High Hazards For Categorization Includes Cadmium And Cadmium Compounds, page 9

Australia Posts AICIS Educational Videos, page 9

Canada

Natural Resources Canada Releases Preliminary Version Of Action Plan 2020 Under The Canadian Minerals And Metals Plan, page 9

MAC Survey Finds Canadians Want To “Seize Opportunity” In Critical Minerals, page 11

Hong Kong

Hong Kong Updates Safety Standard For Toys And Other Children’s Products, page 12

ISO

ISO Updates Toy Safety Standard For The Migration Of Certain Elements, Including Cadmium, page 12

Israel

Cadmium Limit In Certain FCMs Will Be Mandatory, page 14

Malaysia

MOH Intends To Propose Maximum Release Amount For Cadmium In Cookware, page 14

Greenpeace Publishes Report On Toxic After-Effects Of Imported Plastic Waste In Malaysia, page 14

**FEDERAL ISSUES**

**MINING AND MINERAL ISSUES**

**USDA Publishes Notice Concerning Locatable Minerals**

USDA published a [*Federal Register* notice](https://www.federalregister.gov/documents/2020/04/01/2020-06791/locatable-minerals) on April 1, 2020, announcing that it is initiating an EIS to inform a decision to revise agency regulations that minimize adverse environmental impacts on National Forest System surface resources in connection with operations authorized by U.S. mining laws. These rules and procedures govern prospecting, exploration, development, mining, and processing operations conducted on National Forest System lands authorized by the U.S. mining laws, subsequent reclamation of the land, and any necessary long-term post-closure resource management. According to the notice, a proposed rule and draft EIS are expected in **2020**. The next public comment period will be announced when the proposed rule and draft EIS are available.

As reported in our September 28, 2018, Update, the Forest Service published an ANPRM on September 13, 2018, requesting comments regarding the need to clarify its regulations that minimize adverse environmental impacts on National Forest System surface resources in connection with operations authorized by U.S. mining laws. According to the notice, the goals of the regulatory revision are to expedite Forest Service review of certain proposed mineral operations authorized by U.S. mining laws, and, where applicable, Forest Service approval of some of these proposals by clarifying the regulations, to increase consistency with BLM surface management regulations governing operations authorized by U.S. mining laws to assist those who conduct these operations on lands managed by each agency, and to increase the Forest Service’s nationwide consistency in regulating mineral operations authorized by U.S. mining laws by clarifying its regulations. The Forest Service states that the Mining Law authorizes the prospecting, exploration, location, development, mining, and processing of valuable “locatable” mineral deposits on National Forest System lands reserved from the public domain. “Locatable” minerals are base and precious metal ores, ferrous metal ores, and certain classes of industrial minerals that include, but are not limited to, gold, silver, platinum, copper, lead, zinc, magnesium, nickel, tungsten, bentonite, barite, fluorspar, uranium, and uncommon varieties of sand, gravel, and dimension stone.

**TSCA ISSUES**

**EPA Amends CDR Rule And Extends 2020 Submission Period**

On April 9, 2020, EPA published in the *Federal Register* a [final rule](https://www.federalregister.gov/documents/2020/04/09/2020-06076/tsca-chemical-data-reporting-revisions-under-tsca-section-8a) amending the CDR rule. As reported in our March 28, 2020, Update, according to EPA, the amendments are intended to reduce the burden for certain CDR reporters, improve the quality of CDR data collected, and align reporting requirements with the Lautenberg Act amendments to TSCA. EPA states that some of the key revisions include:

* Simplifying reporting, including allowing manufacturers to use certain processing and use data codes already in use by many chemical manufacturers as part of international codes developed through OECD;
* Updating requirements for making confidentiality claims to align with the requirements in amended TSCA; and
* Adding reporting exemptions for specific types of byproducts manufactured in certain equipment.

Additionally, EPA is [extending the reporting period](https://www.federalregister.gov/documents/2020/04/09/2020-06074/chemical-data-reporting-extension-of-the-2020-submission-period) for CDR data submitters from **September 30, 2020**, to **November 30, 2020**, to provide additional time for the regulated community to familiarize themselves with the amendments and to allow time for reporters to familiarize themselves with an updated public version of the reporting tool. The reporting period will still begin on **June 1, 2020**. More information is available in B&C®’s March 19, 2020, memorandum, “[EPA Releases Final Amendments to CDR Rule, Extends Reporting Period](https://www.lawbc.com/regulatory-developments/entry/epa-releases-final-amendments-to-cdr-rule-extends-reporting-period).”

As reported in our May 28, 2019, Update, EPA’s April 12, 2019, proposed rule would have allowed reporting in specified metal categories for inorganic byproducts, including **cadmium** and **cadmium compounds** (including any unique chemical substance that contains **cadmium** as part of that chemical’s structure). In the final rule, EPA declined to adopt the proposal to allow, but not require, CDR reporting within defined metal compound categories for certain elemental metals and inorganic metal compounds that are produced as inorganic byproducts. EPA states that it determined that the potential for additional complexity and burden associated with category reporting for inorganic metal byproducts outweighs the potential benefits. Accordingly, the final rule does not include the proposed provision for alternative reporting in metal compound categories for inorganic byproducts.

**MISCELLANEOUS ISSUES**

**ATSDR Requests Comments On Proposed Substances To Be Evaluated For Toxicological Profile Development**

ATSDR published a [*Federal Register* notice](https://www.federalregister.gov/documents/2020/05/28/2020-11423/agency-information-collection-activities-proposals-submissions-and-approvals-proposed-substances-to) on May 28, 2020, soliciting public nominations of substances to be evaluated for Toxicological Profile development. ATSDR will consider nominations from the [Substance Priority List](https://www.atsdr.cdc.gov/SPL/). **Cadmium** is ranked seventh on the Substance Priority List, and the most recent [Toxicological Profile for **cadmium**](https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=48&tid=15) was published in 2012. ATSDR will also accept nominations for non-CERCLA substances that may have public health implications, on the basis of ATSDR’s authority to prepare Toxicological Profiles for substances not found at sites on the CERCLA National Priorities List. ATSDR states that it will do so to establish and maintain an inventory of literature, research, and studies on the health effects of toxic substances, to respond to requests for consultation, and to support the site-specific response actions conducted by ATSDR, as otherwise necessary. Nominations are due **June 29, 2020**.

**Carter’s Includes Cadmium On RSL (Restricted Substance List)**

Carter’s released an [RSL](https://carters-ecomm.s3.amazonaws.com/ESG/Restricted%2BSubstance%2BList.pdf) designating chemicals that should be minimized or avoided as much as possible in Carter’s products. The RSL includes **cadmium**:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Substance** | **Limits**Raw Material and Finished Product | **Suitable Test Method**Sample Preparation and Measurement | **Reporting Limit**Limits above which test results should be reported | **Potential Uses** |
| **Cadmium (Cd)** | Extractable:0.1 ppm Total: 40 ppm | Extractable:Textiles: DIN EN 16711-2:2016Leather: DIN EN ISO 17072-1:2017Total:Textiles, plastics, and metal: DIN EN16711-1:2016Leather: DIN EN ISO 17072-2:2017 | Extractable:0.05 ppmTotal: 5 ppm | May be used as pigments (especially in red, orange, yellow, and green) and stabilizer of plastic |

According to Carter’s [web page on product stewardship](https://www.carters.com/product-stewardship.html), there are several reasons it might restrict a substance, including government legislation or regulation, health and safety concerns for customers and workers, or potential environmental hazards. Carter’s distributes the RSL to suppliers, vendors, and employees so they can be aware of and follow its chemical policies. Before shipping products, suppliers are required to test each product style for the presence of chemicals to ensure any concentration levels remain below the safe limits.

**EPA Proposes Rule To Improve Transparency Of Guidance**

On May 22, 2020, EPA published in the *Federal Register* its “first ever” [proposed rule](https://www.federalregister.gov/documents/2020/05/22/2020-11079/epa-guidance-administrative-procedures-for-issuance-and-public-petitions) intended to improve the transparency of guidance. According to EPA, the new rule will significantly increase the transparency of its practices around guidance and will improve its process for managing guidance documents. When final, the rule will:

* Establish the first formal petition process for the public to request that EPA modify or withdraw a guidance document;
* Ensure that EPA’s guidance documents are developed with appropriate review and are accessible and transparent to the public; and
* Provide for public participation in the development of significant guidance documents.

Comments are due **June 22, 2020**. More information is available in B&C’s May 21, 2020, memorandum, “[EPA Releases Proposed Rule Intended to Improve the Transparency of Guidance](https://www.lawbc.com/regulatory-developments/entry/epa-releases-proposed-rule-intended-to-improve-the-transparency-of-guidance).”

**NGO Highlights FDA Review Of Mitigation Strategies To Reduce Dietary Exposure To Cadmium**

On April 7, 2020, EDF published a blog item entitled “[Best practices for reducing **cadmium** in food: New review from FDA scientists](http://blogs.edf.org/health/2020/04/07/best-practices-for-reducing-cadmium-in-food-new-review-from-fda-scientists/)” that highlights recent publication in a peer-reviewed journal of a review of mitigation strategies to reduce dietary exposure to **cadmium**. Because plants uptake **cadmium** from the soil and “70 to 80% of dietary **cadmium** intake in humans comes from plant-based food,” the article focuses on methods to “reduce or prevent initial uptake by plants.” According to the authors, **cadmium** enters the food supply through natural and manmade sources, highlighting that **cadmium** often is a contaminant in phosphate fertilizers, as well as a contaminant in zinc used to galvanize steel. The blog notes that the authors “provide useful actions that farmers, manufacturers, and consumers can take to reduce **cadmium** in food.” For manufacturers, they recommend:

* Stopping use of galvanized and **cadmium**-plated utensils and equipment for food production;
* Reducing **cadmium**-bearing stabilizers in plastics; and
* Removing **cadmium**-based pottery glazes.

The recommendations for consumers are limited to eating a variety of foods and getting the proper amount of zinc, iron, and calcium to protect against **cadmium** absorption and toxicity. For next steps, the scientists identified the following:

* Conducting field-based experimentation and testing to inform risk modeling and to develop practical farm-specific mitigation strategies;
* Conducting a risk assessment that quantifies the potential effectiveness of mitigations throughout the food supply chain;
* Developing commodity-specific Codex Codes of Practices to provide technical guidance to reduce **cadmium** levels in specific crops;
* Harmonizing the approach and understanding the limitations of using epidemiological data in dose–response assessment for the use in risk assessment; and
* Developing commodity-specific safe limits and a surveillance system for **cadmium** in crops.

**STATE ISSUES**

***D.C.***

**D.C. Updates Aquatic Life Criteria For Cadmium**

DOEE published a notice of final rulemaking in the *District of Columbia Register* on May 22, 2020, that updates the aquatic life criteria for **cadmium**. According to the notice, the update is based on EPA recommendations, the 2016 *Aquatic Life Ambient Water Quality Criteria -- Cadmium* (EPA 820-R-16-002). The notice states that “[c]hronic **cadmium** exposure can lead to adverse effects in the growth, reproductive, immune, and endocrine systems of aquatic life. **Cadmium** is, however, a naturally occurring metal found in mineral deposits and distributed ubiquitously at low concentrations in the environment.” The notice notes that the updated chronic criterion is less stringent than the current chronic criterion, while the acute criterion is more stringent.

***Minnesota***

**CPIT Tests Spinning Battle Toys For Lead And Cadmium**

CPIT tested 50 spinning battle toys, including name-brand Beyblade toys and off-brand toys. CPIT found the toys in stores and from online sellers. According to the [Consumer Product Notice](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMTIsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDAzMzAuMTk0ODgzNjEiLCJ1cmwiOiJodHRwczovL3d3dy5oZWFsdGguc3RhdGUubW4udXMvY29tbXVuaXRpZXMvZW52aXJvbm1lbnQvbGVhZC9kb2NzL3NwaW5iYXR0bGV0b3lzLnBkZiJ9.-_e5BaD85prfJv9-CFWq3k2htXbVuUQmaanRgGl0mq4/br/76788826670-l), spinning battle toys come in many pieces. The paint or metal parts may flake dust, which could contain lead and **cadmium**. The name-brand spinning battle toys that were tested did not show concerning levels of lead or **cadmium**. The products that did contain concerning levels of lead, **cadmium**, or both, were all off-brand spinning battle toys. CPIT is composed of representatives from MDH, MPCA, and MDC who work collaboratively to respond to referrals and concerns about products that are potentially toxic to children.

***New York***

**Governor Signs Bill Amending Child Safe Products Act**

On April 3, 2020, Governor Andrew Cuomo (D) signed a budget bill (A. 9505B/S. 7505) that amends the Child Safe Products Act enacted on February 7, 2020. As reported in our March 28, 2020, Update, Cuomo signed the Child Safe Products Act pursuant to a chapter agreement that reorganizes the regulatory framework for NYSDEC to designate chemicals of concern and high-priority chemicals, establish a children’s product safety council charged with providing NYSDEC with making recommendations on additional chemicals that should be considered for future prohibitions on use in children’s products, establish time lines for future regulatory actions, and incorporate a standard by which chemicals should be reviewed by NYSDEC for future prohibitions. Products covered include baby products, toys, car seats, school supplies, and children’s furniture, bedding, jewelry, and apparel. NYSDEC has two years to promulgate an initial list of chemicals of concern. NYSDEC must consider certain chemicals for the list, including **cadmium** and **cadmium compounds**. Manufacturers will then be required to submit reports and pay a fee for products containing listed chemicals above practical quantification limits within 12 months. **Cadmium (other than toy coatings)** is designated as a high-priority chemical.

**INTERNATIONAL ISSUES**

**AUSTRALIA**

**Australia Pauses Review Of Workplace Exposure Standards**

In March 2020, SWA paused the release and public consultation for the workplace exposure standards review until further notice. During this period of pause, stakeholders can continue to submit comments for all current and previous releases via SWA’s dedicated inbox, WESconsult@swa.gov.au. SWA asks that stakeholders indicate the chemical(s) for which they are providing feedback. SWA states that it will communicate information about the revised time frames for completing the workplace exposure standards review as soon as possible. [**Cadmium** and **cadmium compounds**](https://engage.swa.gov.au/49436/widgets/260877/documents/116791) were deferred to Release 4, released on September 27, 2019:

|  |  |  |
| --- | --- | --- |
| **Revision proposed?** | **Current TWA** | **Recommended TWA** |
| **ppb** | **mg/m3** | **ppm** | **mg/m3** |
| Yes | -- | 0.01 | 1 µg/m3 | 0.001 |

Comments were due October 25, 2019.

**NICNAS List Of Chemicals With High Hazards For Categorization Includes Cadmium And Cadmium Compounds**

Under AICIS, part of the categorization process involves working out the hazards to human health and the environment associated with a chemical’s introduction. To help companies with this process, NICNAS has compiled a [list of chemicals that are in the highest hazard bands](https://www.nicnas.gov.au/New-scheme-1-July-2020/aicis-topics/categorise-your-chemical-introduction/aicis-list-of-chemicals-with-high-hazards-for-categorisation) for human health and the environment. If a chemical, its ester, or its salt is on the list, it is in the highest hazard band for the purposes of categorization (hazard band C for human health, hazard bands D or C for environment). If a company thinks that its chemical should not be in the highest hazard band, it will need to submit data to dispute the hazard identified in the high hazards list when it submits its pre-introduction report or exempted declaration. If a chemical, its ester, or its salt is not on the list, NICNAS notes that it could still be highly hazardous and that companies will need to determine its hazard in other ways. This can include checking if there are hazard data already available for the chemical; whether the chemical has structural considerations that indicate its hazards; and if there is a similar chemical to use to fill gaps in hazard data. The list includes **cadmium** and **cadmium compounds**, as well as a number of specific **cadmium compounds**.

**Australia Posts AICIS Educational Videos**

NICNAS announced on March 29, 2020, that it has canceled all AICIS information sessions due to COVID-19. NICNAS has posted the first in a series of [educational videos](https://www.nicnas.gov.au/New-scheme-1-July-2020/aicis-educational-videos) on key topics. NICNAS has posted [FAQs](https://www.nicnas.gov.au/New-scheme-1-July-2020/ask-a-question-about-the-new-scheme) and [guidance on transitioning](https://www.nicnas.gov.au/New-scheme-1-July-2020/Transitioning-from-NICNAS-to-AICIS) from NICNAS to AICIS to help companies understand and comply with the new scheme.

**CANADA**

**Natural Resources Canada Releases Preliminary Version Of Action Plan 2020 Under The Canadian Minerals And Metals Plan**

As reported in our March 28, 2019, Update, in March 2019, Canada released the Canadian Minerals and Metals Plan. The plan covers issues that are key to a successful and modern minerals and metals industry: competitiveness; the participation of Indigenous Peoples; community benefits; respect for the environment; scientific and technological innovation; and, global leadership. On March 1, 2020, Canada [released](https://www.canada.ca/en/natural-resources-canada/news/2020/03/canada-drives-forward-on-mining-vision-for-21st-century.html) a preliminary version of [Action Plan 2020: Introducing the Pan-Canadian Initiatives](https://www.minescanada.ca/en/content/action-plan-2020-introducing-pan-canadian-initiatives-march-2020). Action Plan 2020 launches a series of collaborative measures intended to ensure Canada’s minerals and metals sector is a key contributor to an evolving global economy for decades to come. The Action Plan introduces pan-Canadian initiatives to achieve the targets indicated in the Canadian Minerals and Metals Plan’s six strategic directions, and highlights commitments and investments made by governments and industry. Action Plan 2020 includes the following pan-Canadian initiatives:

* A Pan-Canadian Geoscience Strategy:
* Associated Target (by **2022**): A new, pan-Canadian collaborative public geoscience strategy for mineral exploration;
* Indigenous Procurement Conferences:
* Associated Targets:

By **2020**: A checklist to increase local procurement in the minerals and metals industry is available (under Communities in the Canadian Minerals and Metals Plan); and

By **2021**: Increased Indigenous procurement and business activity;

* Re-imagined National Orphaned or Abandoned Mines Initiative:
* Associated Target (by **2020**): An expanded mandate for the Re-imagined National Orphaned or Abandoned Mines Initiative;
* Innovation Challenges:
* Associated Targets:

By **2022**: Incentives to tackle large innovation challenges; and

By **2025**: Significant gains in the commercialization of mining-related technologies and processes;

* Improve Mineral Literacy
* Associated Targets:

By **2025**: Education-based initiatives to help attract and retain highly qualified personnel and develop a pipeline of future talent; and

By **2030**: Canada’s mining workforce is more diverse and includes 30 percent women;

* Canada Brand for Mining:
* Associated Target (by **2020**): Canada’s minerals and metals brand is unveiled.

The next Action Plans will be released in **2021** and **2022**, respectively, with subsequent ones following every three years thereafter. The final edition of Action Plan 2020 will be released at the Energy and Mines Ministers’ Conference in **July 2020**.

**MAC Survey Finds Canadians Want To “Seize Opportunity” In Critical Minerals**

On May 13, 2020, MAC [released](https://mining.ca/press-releases/canadians-want-to-seize-opportunity-in-critical-minerals/) the results of a national poll that “highlights public enthusiasm for Canada to grow market share as a preferred global supplier of critical minerals, based on abundance and leading environmental standards.” According to MAC, almost 90 percent of those surveyed “like the idea of Canada being a preferred source for critical minerals and would like to see government take a number of steps to support this approach.” MAC states that:

* 88 percent want to see Canada increase its role in producing critical minerals for world markets;
* 86 percent want to encourage international investment into Canadian critical minerals and metals companies that are sustainability leaders;
* 83 percent want to encourage Canadian production of critical minerals so Canada can compete with China; and
* 81 percent want to promote interest in Canadian critical minerals by drawing attention to Canada’s high standards of sustainability.

**HONG KONG**

**Hong Kong Updates Safety Standard For Toys And Other Children’s Products**

CEDB amended its safety standard for toys and other children’s products, replacing European Standard Safety of Toys -- Part 3: Migration of certain elements -- EN 71-3:2013+A3:2018 with the updated EN 71-3:2019, which applies to toys and children’s paints. The amendment covers the relevant standards for the following categories of children’s products:

* Toys;
* Babies’ dummies;
* Baby walking frames;
* Child safety barriers for domestic use;
* Children’s cots for domestic use;
* Children’s highchairs for domestic use;
* Children’s paints;
* Playpens for domestic use; and
* Pushchairs.

These products are listed in schedule 1 and 2 of Hong Kong's Toys and Children's Products Safety Ordinance (Cap 424). The amendment will take effect **October 1, 2020**.

**ISO**

**ISO Updates Toy Safety Standard For The Migration Of Certain Elements, Including Cadmium**

ISO published the third edition of standard ISO 8124-3:2020, “[Safety of toys -- Part 3: Migration of certain elements](https://www.iso.org/standard/72600.html).” The updated standard specifies maximum acceptable levels and methods of sampling, extraction, and determination for the migration of the elements antimony, arsenic, barium, **cadmium**, chromium, lead, mercury, and selenium from toy materials and from parts of toys. It specifies maximum acceptable levels for the migration of elements from the following toy materials:

* Coatings of paints, varnishes, lacquers, printing inks, polymers, and similar coatings;
* Polymeric and similar material, including laminates, whether textile-reinforced or not, but excluding other textiles and non-woven textiles;
* Paper and paperboard;
* Natural, artificial, or synthetic textiles;
* Glass/ceramic/metallic materials, excepting lead solder when used for electrical connections;
* Other materials, whether mass-colored or not (*e.g*., wood, fiberboard, hardboard, bone, and leather);
* Materials intended to leave a trace (*e.g*., the graphite materials in pencils and liquid ink in pens);
* Pliable modeling materials, including modeling clays and gels; and
* Paints to be used as such in the toy, including finger paints, varnishes, lacquers, glazing powders, and similar material in solid or liquid form.

The limits apply to the following toys and toy components of toys and toy materials:

* All intended food and oral contact toys, cosmetic toys, and writing instruments categorized as toys, irrespective of any age grading or recommended age labeling;
* All toys intended for or suitable for children under 72 months of age;
* Accessible coatings, irrespective of any age grading or recommended age labeling; and
* Accessible liquids, pastes, and gels (*e.g*., liquid paints, modeling compounds), irrespective of any age grading or recommended age labeling.

**ISRAEL**

**Cadmium Limit In Certain FCMs Will Be Mandatory**

On March 31, 2020, Israel notified WTO that it is making mandatory the permissible limits of, and testing methods for, lead and **cadmium** in FCMs made of porcelain, glass, or coated in ceramic. The update enforces the requirements of a previously voluntary standard from 2013, SI 1003. This adopted international standards ISO 4531:1998, Parts 1 and 2, and ISO 7086:2000, Parts 1 and 2.

**MALAYSIA**

**MOH Intends To Propose Maximum Release Amount For Cadmium In Cookware**

On March 31, 2020, MOH notified WTO that it intends to amend its food regulations to include cookware within the scope of ceramic ware and to include maximum release amounts for lead and **cadmium** in cookware. For **cadmium**, the maximum release amount would be 0.05 mg/L. Ceramic ware is defined as “intended to be used in the preparation, packaging, storage, delivery or exposure of food for human consumption.” It includes bone china; porcelain; vitrified china; earthenware; stoneware; and any other classification of ceramic tableware, including hotel ware and terracotta.

**Greenpeace Publishes Report On Toxic After-Effects Of Imported Plastic Waste In Malaysia**

On May 27, 2020, Greenpeace released a report entitled “[The Recycling Myth 2.0: The Toxic After-Effects of Imported Plastic Waste in Malaysia](https://www.greenpeace.org/malaysia/publication/3349/the-recycling-myth-2-0/).” Greenpeace carried out a joint investigation in July and August 2019 at several locations suspected to have onsite imported plastic waste. Greenpeace notes that overall, the findings from these investigations have revealed that shredded plastic disposed at several dumpsites in Malaysia contain a range of metals, metalloids, and organic chemicals, including POPs, that have likely been contaminating the surrounding environments during their storage or processing/recycling activities. The report’s key findings include:

* Investigations at the unregulated, and now abandoned, dumpsite at Sri Cheeding has been filled and covered with shredded plastics as a layer of topsoil. The layer of topsoil is contaminated with high concentrations of heavy metals, including **cadmium** and lead, relative to background environmental levels. Laboratory tests also revealed the presence of persistent organic compounds such as brominated flame retardants and phthalates from this site.

The report states:

The detection of heavy metals like **cadmium** and lead are a matter of concern. Most of the pollutants identified in the tests conducted can potentially remain in the soil for a very long period of time. High levels of the heavy metals identified can also cause secondary pollution to nearby water sources. Such contamination has the potential of bearing hazardous impacts to flora, fauna including microorganisms and humans.

\* \* \* \* \*

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

**µg/m3** -- Microgram per Cubic Meter

**AICIS** -- Australian Industrial Chemicals Introduction Scheme

**ANPRM** -- Advance Notice of Proposed Rulemaking

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

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

**BLM** -- Bureau of Land Management

**CDR** -- Chemical Data Reporting

**CEDB** -- Commerce and Economic Development Bureau

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

**CPIT** -- Chemicals in Products Interagency Team

**DOEE** -- Department of Energy and Environment

**EDF** -- Environmental Defense Fund

**EIS** -- Environmental Impact Statement

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

**FAQ** -- Frequently Asked Question

**FCM** -- Food Contact Material

**FDA** -- Food and Drug Administration

**Forest Service** -- U.S. Forest Service

**ICdA** -- International Cadmium Association

**ISO** -- International Organization for Standardization

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

**MAC** -- Mining Association of Canada

**MDC** -- Minnesota Department of Commerce

**MDH** -- Minnesota Department of Health

**mg/L** -- Milligram per Liter

**mg/m3** -- Milligram per Cubic Meter

**MOH** -- Ministry of Health

**MPCA** -- Minnesota Pollution Control Agency

**NGO** -- Non-Governmental Organization

**NICNAS** -- National Industrial Chemicals Notification and Assessment Scheme

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

**OECD** -- Organization for Economic Cooperation and Development

**POP** -- Persistent Organic Pollutant

**ppb** -- Part per Billion

**ppm** -- Part per Million

**RSL** -- Restricted Substances List

**SWA** -- Safe Work Australia

**TSCA** -- Toxic Substances Control Act

**TWA** -- Time-Weighted Average

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

**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)