#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

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

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**FEDERAL ISSUES**

**CAA ISSUES**

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

According to an item in EPA’s Fall 2015 Regulatory Agenda, in response to Executive Order 13650, EPA is considering potential revisions to its RMP regulations and related programs. EPA states that it may consider the addition of new accident prevention or emergency response program elements, and/or changes to existing elements, and/or other changes to the existing regulatory provisions. EPA intends the proposed action to address the risks associated with accidental releases of [listed regulated toxic and flammable substances](http://www2.epa.gov/rmp/list-regulated-substances-under-risk-management-plan-rmp-program) to the air from stationary sources. **Cadmium** is not listed under the RMP Program. EPA intends to publish an NPRM in **November 2015**.

**CERCLA ISSUES**

**EPA Identifies Hard Rock Mining Facilities For Financial Responsibility Requirements**

According to a notice in EPA’s Fall 2015 Regulatory Agenda, EPA intends to publish an NPRM by **August 2016** concerning financial responsibility requirements under CERCLA Section 108(b). EPA states that its rule is intended to address the risks associated with the production, transportation, treatment, storage, or disposal of hazardous substances at hard rock mining and mineral processing facilities. On July 28, 2009, EPA published a priority notice of action identifying classes of facilities within the hard rock mining industry for which EPA will first develop financial responsibility requirements. In the July 28, 2009, notice, EPA states that, for purposes of the notice, hard rock mining facilities “include those which extract, beneficiate or process metals (*e.g*., copper, gold, iron, lead, magnesium, molybdenum, silver, uranium, and zinc) and non-metallic, non-fuel minerals (*e.g*., asbestos, gypsum, phosphate rock, and sulfur).” According to an Earthworks spokesperson, on November 5, 2015, Earthworks met with EPA to urge it to determine that corporate guarantees do not adequately ensure remediation is paid for by the entity that caused the damage. The spokesperson stated that Earthworks argued that EPA should use tools such as long-term trust funds that silo funds, and ensure they remain available, to treat water pollution that comes from the mines long after mining stops.

**CWA/SDWA ISSUES**

**EPA Announces Draft Recommended Aquatic Life Water Quality Criteria For Cadmium**

EPA is scheduled to publish a *Federal Register* notice on **December 1, 2015**, announcing its draft recommended aquatic life water quality criteria for **cadmium** for a 60-day public comment period. EPA states that it is updating its national recommended ambient water quality criteria for **cadmium** to reflect the latest scientific information, and current EPA policies and methods. The [pre-publication version](https://www.federalregister.gov/articles/2015/12/01/2015-30493/request-for-scientific-views-on-the-draft-recommended-aquatic-life-ambient-water-quality-criteria) of the *Federal Register* notice includes the following table:

**Summary of 2001 and 2015 Draft Aquatic Life AWQC for Cadmium**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2015 AWQC Update** | | **2001 AWQC** | |
| **Acute**  **(1-hour,**  **dissolved Cd)c** | **Chronic**  **(4-day,**  **dissolved Cd)** | **Acute**  **(1-day,**  **dissolved Cd)** | **Chronic**  **(4-day,**  **dissolved Cd)** |
| Freshwater  (Total Hardness =  100 mg/L as CaCO3)a | 2.1 μg/Lb | 0.73 μg/L | 2.0 μg/Lb | 0.25 μg/L |
| Estuarine/marine | 35 μg/L | 8.3 μg/L | 40 μg/L | 8.8 μg/L |

a Freshwater acute and chronic criteria are hardness-dependent and were normalized to a hardness of 100 mg/L as CaCO3 to allow the presentation of representative criteria values.

b Lowered to protect the commercially and recreationally important species (rainbow trout), as per the 1985 Guidelines, Stephen *et al*. (1985).

c The duration of the 2015 acute criteria was changed to 1-hour to reflect the 1985 Guidelines-based recommended acute duration.

EPA is soliciting additional scientific views, data, and information regarding the science and technical approach used in the derivation of the draft criteria for **cadmium**. EPA is also interested in obtaining information regarding new toxicity tests on *Hyalella azteca* (amphipod); latent acute effects of **cadmium** following short exposures; and new estuarine marine chronic toxicity tests. EPA will consider scientific views from the public on the draft document, as well as any new data or information received. EPA will then publish a *Federal Register* notice announcing the availability of the final **cadmium** criteria. Once prepared in final, EPA’s water quality criteria for **cadmium** will provide recommendations to states and tribes authorized to establish water quality standards under the CWA. EPA states that in adopting water quality standards, states set exposure protections for aquatic life; “chronic exposure to **cadmium** negatively impacts growth, development, behavior, reproduction, and immune and endocrine systems in aquatic life.”

**RCRA ISSUES**

**EPA Proposes Changes To RCRA Hazardous Waste Export And Import Regulations**

On October 19, 2015, EPA published in the *Federal Register* a proposed rule that would amend existing regulations regarding the export and import of hazardous wastes from and into the U.S. According to EPA, the proposed changes will provide greater protection to human health and the environment by providing for increased transparency, data sharing, and more efficient compliance monitoring for international shipments. The proposed changes were prompted by a 2013 [CEC report](http://www.cec.org/Storage/149/17479_CEC_Secretariat-SLABs_Report_may7_en_web.pdf) on hazardous waste exports from the U.S. and changes to the 2001 OECD Council Decision for waste exports and imports. EPA notes that WHO fact sheets on the effects of exposures to **cadmium**, lead, mercury, and arsenic “make clear the significant potential impact to public health from releases to the environment from illegal management of hazardous waste.” EPA proposes to require:

* The use of international movement documents for each international shipment of hazardous waste, including universal wastes managed under 40 C.F.R. Part 273;
* Electronic export annual reporting; and
* Linking the consent to export with the exporter declaration to CBP to coordinate better EPA and CBP oversight of individual export shipments of hazardous waste.

EPA posted [FAQs](http://www2.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-export-import-revisions-proposed-rule) on the proposed rule. Comments are due **December 18, 2015**.

**TSCA ISSUES**

**Revised Senate TSCA Reform Bill Has 60 Cosponsors But Is Delayed By LWCF Issue**

In an October 2, 2015, [press release](http://www.tomudall.senate.gov/?p=press_release&id=2116), Senator Tom Udall (D-NM), co-sponsor of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697), announced an agreement on revisions to the bill. With the changes, Senators Edward J. Markey (D-MA) and Richard Durbin (D-IL) will support the bill, bringing the number of cosponsors for the bipartisan bill to 60 senators representing 38 states. This is enough to ensure that the bill would be able to overcome a potential filibuster from Senator Barbara Boxer (D-CA). According to the press release, Markey and Durbin worked with Udall and Senator David Vitter (R-LA) on changes that will be made in a substitute amendment when the bill is brought up on the floor. The press release states that the revisions “include provisions to increase funding for EPA resources through industry fees, ensure fast industry compliance with EPA regulations, and simplify the waiver process from preemption for states. The agreement also expedites action on work that EPA pursues on chemicals that are known dangers, such as asbestos.” The press release lists the following details of the agreement with Markey and Durbin:

* Increases the $18 million per year funding cap for industry TSCA fees to $25 million per year, and creates a process to ensure sufficient resources to defray 25 percent of EPA’s chemical safety program costs;
* Sets a mandatory compliance deadline of four years for industry compliance with EPA regulations (and allows an extension of up to 18 months if EPA determines that the deadline is technologically or economically infeasible);
* Clarifies and simplifies the process for state waivers from preemption and state co-enforcement of federal chemical safety regulations;
* Expedites regulatory action on EPA’s TSCA Work Plan chemicals (the 90 chemicals EPA has identified as having the highest potential for exposure and hazard) from the seven years the bill currently allows to generally five years for these chemicals;
* Adds assurances for mandatory protections for vulnerable populations, such as pregnant women, children, and workers; and
* Includes other improvements to the bill’s provisions to ensure:
* Exposure to PBTs is reduced as much as practicable;
* Parity for judicial review of EPA actions;
* EPA has to disclose the information it used to make prioritization decisions; and
* Improvements to provisions allowing access to CBI for medical professionals and first responders.

Senators Kelly Ayotte (R-NH) and Richard Burr (R-NC) are blocking Senate floor consideration of the bill unless they get a vote to reauthorize the LWCF. A spokesperson for Ayotte stated on October 5, 2015, that “Ayotte is objecting to moving TSCA without a vote on extending” the LWCF, which uses oil and gas royalties for recreation and conservation projects. Burr stated on October 6, 2015, that he will insist on a stand-alone vote for the LWCF, which expired at the end of September 2015, or an amendment vote on S. 697. Burr does not intend to wait for the Senate to act on a transportation bill or budget later this year, although supporters of the TSCA bill suggested this would be a better vehicle. Allowing an amendment to the bill could complicate passage of the bill. Udall stated: “As soon as you open it up to one amendment, then you’ve opened it up to a hundred amendments. As soon as you get to that point, then you don’t get a bill.” Senate Majority Leader Mitch McConnell (R-KY) stated on October 20, 2015, that he still intends to bring the bill for a vote, although the timing remains uncertain. On October 28, 2015, Udall called on the Senate leadership to break the “gridlock and dysfunction” that is holding up consideration of the bill. Burr reiterated his intent to hold up the TSCA reform bill “until there is an opportunity for me to either amend it or to offer my Land and Conservation Fund permanently extended on another piece of legislation.” President Obama, in his October 24, 2015, weekly address, called on Senate Republicans to reauthorize the LWCF. While Ayotte and Burr support reauthorization of the LWCF, Senator Mike Lee (R-UT) opposes reauthorizing the LWCF without adding language that would address a backlog of maintenance projects on public lands. According to proponents of the bill, negotiations to resolve the impasse continue, and they are optimistic the Senate will ultimately pass the bill. Other Senators, including Jim Inhofe (R-OK), Chair of the Committee on Environment and Public Works, expressed frustration that the issue remains unresolved. On November 5, 2015, Inhofe stated: “We have to have the bill -- as soon as possible.” According to Inhofe, the delay “is just so unnecessary.” On November 18, 2015, a group of 14 Senators, including Burr, sent a letter to Senate Majority Leader Mitch McConnell (R-KY) and Minority Leader Harry Reid (D-NV) asking the leadership to consider attaching a measure to reauthorize the LWCF permanently in any “must-pass” legislation up for a vote before the **end of 2015**.

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

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

**EPA Intends To Promulgate Final TSCA 8(a) Rule For Certain Nanomaterials In October 2016**

According to an item in EPA’s Fall 2015 Regulatory Agenda, EPA intends to promulgate a final TSCA Section 8(a) rule in **October 2016** concerning reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale. EPA’s April 6, 2015, proposed rule includes one-time reporting for existing nanoscale materials and one-time reporting for new discrete nanoscale materials before they are manufactured or processed. EPA states that consistent with the President’s memorandum for Executive Agencies regarding Principles for Regulation and Oversight of Emerging Technologies, the proposed rule would facilitate assessment of risks and risk management, examination of the benefits and costs of further measures, and making future decisions based on available scientific evidence. The supporting materials in the rulemaking docket include a [list of chemical substances that could be nanomaterials](http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2010-0572-0025). The 85-page list includes **cadmium** and a number of **cadmium compounds**.

**MINING ISSUES**

**House Subcommittee Holds Hearing On Abandoned Mines And Opportunities For Good Samaritan Cleanups**

On October 21, 2015, the House Transportation and Infrastructure Subcommittee on Water Resources and Environment held a hearing on “[Abandoned Mines in the United States and Opportunities for Good Samaritan Cleanups](http://transportation.house.gov/calendar/eventsingle.aspx?EventID=399322).” The Subcommittee’s [summary of the subject matter](http://transportation.house.gov/UploadedFiles/2015-10-21_-_Water_SSM.pdf) states that the Subcommittee intended to examine through the hearing the impacts of abandoned mines in the U.S. and whether some modification of the current legal standards for cleanup is in the public interest when responsible parties cannot be found and good Samaritans are willing to do a partial or complete cleanup of such sites. According to the Subcommittee, such action may encourage more parties to step forward and become good Samaritans. The Subcommittee states that several hearing witnesses support creating incentives for remediation of abandoned mines to improve water quality, but issues to be resolved include who should be allowed to remediate with liability protections; whether, and to what extent, anyone should try to find the original polluter; whether and how to apply cleanup benchmarks or standards; whether citizen suits should be allowed against a party acting as a good Samaritan; and whether to extend good Samaritan protections to abandoned coal as well as hard rock mines, and to public as well as private lands. The Subcommittee heard from the following witnesses:

* The Honorable Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response, EPA;
* Mr. Eric Cavazza, Director, Bureau of Abandoned Mine Reclamation, Pennsylvania Department of Environmental Protection; on behalf of the Interstate Mining Compact Commission and the National Association of Abandoned Mine Land Programs;
* Mr. Luke Russell, Vice President External Affairs, Hecla Mining Company; on behalf of the National Mining Association;
* Mr. Doug Young, Senior Policy Director, Keystone Policy Center;
* Mr. Chris Wood, President, Trout Unlimited; and
* Ms. Lauren Pagel, Policy Director, Earthworks.

According to Subcommittee Democrats, while good Samaritan legislation could be part of a solution, a hardrock mining fee is a needed part of the answer.

**House Passes National Strategic And Critical Minerals Production Act**

On October 22, 2015, the House passed the [National Strategic and Critical Minerals Production Act of 2015](https://www.congress.gov/bill/114th-congress/house-bill/1937) (H.R. 1937) by a vote of 254 to 177. Prior to the vote, on October 20, 2015, the White House issued a [statement of administration policy](https://www.whitehouse.gov/sites/default/files/omb/legislative/sap/114/saphr1937r_20151020.pdf) “strongly oppos[ing] H.R. 1937, which would undermine existing environmental safeguards for, at a minimum, almost all types of hardrock mines on Federal lands.” According to the statement, H.R. 1937 would undermine sound federal decision-making by eliminating appropriate reviews under the National Environmental Policy Act if certain conditions are met, circumventing public involvement in mining proposals, and bypassing the formulation of alternatives to proposals, among other things. The Administration notes that it “strongly supports the development of rare earth elements and other critical minerals, but rejects the notion that their development is incompatible with existing safeguards regarding uses of public lands, environmental protection, and public involvement in agency decision-making.” The House adopted one Republican-sponsored amendment by voice vote to keep in place an Interior Department order on co-development of oil, gas, and potash. The House rejected four Democrat-sponsored amendments that the House Natural Resources Committee approved in July 2015 that focused on narrowing the definition of critical minerals and ensuring that the National Environmental Policy Act is followed. Under the bill, the term “strategic and critical minerals” means minerals that are necessary:

(A) For national defense and national security requirements;

(B) For the nation’s energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(C) To support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or

(D) For the nation’s economic security and balance of trade.

**House Committee Majority Announces Package Of Mining Bills, Subcommittee Holds Hearing**

On October 29, 2015, the House Natural Resources Committee majority announced a [package](http://naturalresources.house.gov/uploadedfiles/mining_package_1_pager.pdf) of mining bills intended to address issues raised by the Gold King Mine spill. The bills include:

* The Locatable Minerals Claim Location and Maintenance Fees Act of 2015 (H.R. 3843) would establish good Samaritan permits that would offer entities limited liability protections for voluntarily cleaning up abandoned mine sites and would authorize the Bureau of Land Management to collect claim location and maintenance fees. Representative Doug Lamborn (R-CO), Chair of the House Subcommittee on Energy and Mineral Resources, introduced the bill on October 28, 2015;
* The Energy and Minerals Reclamation Foundation Establishment Act of 2015 (H.R. 3844) would accrue funding for cleanup by establishing a foundation that can accept donations from the general public to fund the cleanup of abandoned mines and orphaned oil and gas well sites. Representative Jody Hice (R-GA) introduced the bill on October 28, 2015; and
* The Mining Schools Enhancement Act (H.R. 3734), which was introduced by Representative Cresent Hardy (R-NV) on October 9, 2015, would amend the Surface Mining Control and Reclamation Act to allocate 70 percent of certain science and technology funding to accredited mining schools. According to the Committee, with 70 percent of the industry’s leaders on the path to retire in ten to 15 years and only 14 accredited schools domestically, there is a clear need to boost that expertise for the future.

The House Natural Resources Subcommittee on Energy and Minerals held a [hearing](http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=399562) on H.R. 3843 and H.R. 3844 on November 4, 2015. The Subcommittee heard from the following witnesses:

* Mr. Eric Cavazza, P.E., Director, Bureau of Abandoned Mine Reclamation, Pennsylvania Department of Environmental Protection;
* Ms. Sara Kendall, D.C. Office Director, Western Organization of Resource Councils;
* Dr. Geoffrety S. Plumlee, Research Geochemist, Environment, Human Health, and Disasters, USGS; and
* Mr. Chris Wood, President/CEO, Trout Unlimited -- National Office.

**Democrats Introduce Hardrock Mining And Reclamation Act**

On November 5, 2015, Senators Tom Udall (D-NM), Martin Heinrich (D-NM), Michael Bennet (D-CO), Ron Wyden (D-OR), and Edward J. Markey (D-MA introduced the Hardrock Mining and Reclamation Act (S. 2254). According to Udall’s November 5, 2015, [press release](http://www.tomudall.senate.gov/?p=press_release&id=2152), the bill would ensure mining companies pay royalties “for the privilege of extracting mineral resources from public lands.” The press release states that the bill would help ensure that taxpayers are not responsible for cleaning up abandoned mines, “many of which are continuously leaking toxic chemicals into rivers and streams and have the potential for catastrophic disasters like the recent Gold King Mine blowout.” The press release states that current mining law “allows companies to take gold, silver, copper, uranium and other minerals from public land without paying any royalties.” The bill would:

* Set a 2.0 to 5.0 percent royalty rate for new mining operations, based on gross income on production;
* Use royalty revenue and a separate fee of 0.6 to 2.0 percent to pay for abandoned mine cleanup;
* Allow states and tribes to receive funding for hardrock reclamation programs, and establish a grant program for other organizations that want to carry out restoration projects;
* Require permits for non-casual exploration and mining on federal land, and outline requirements for a permit like avoiding acid mine drainage;
* Require annual rental payments for claimed public land, thereby permanently eliminating patenting and characterizing mine operators as other public land users;
* Give the Secretary of the Interior the authority to grant royalty relief if economic factors require it; and
* Permit states and tribes to petition the Secretary of the Interior to withdraw lands from mining, and require an expedited review of certain lands to determine whether they are appropriate for future mining.

**MSHA Examines Working Places In Metal And Non-Metal Mines**

According to an item in MSHA’s Fall 2015 Regulatory Agenda, MSHA intends to issue an NPRM in **February 2016** that will propose to clarify the requirements for the abilities and experience of the competent person (examiner); to require conducting a workplace examination as a new task training under 30 C.F.R. Part 46 or Part 48; and to specify recordkeeping requirements that will facilitate correction of hazardous conditions and to alert others at the mine of conditions that may recur or in other ways affect them.

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

According to an item in MSHA’s Fall 2015 Regulatory Agenda, MSHA intends to promulgate a final rule for criteria and procedures for assessment of civil penalties in **March 2016**. MSHA published on July 31, 2014, a proposed rule that would amend its civil penalty regulation to simplify the criteria, which MSHA states will promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties and facilitate the resolution of enforcement issues. According to MSHA, the proposal would place a greater emphasis on the more serious safety and health conditions and provide improved safety and health for miners. MSHA also proposed alternatives that would address the scope and applicability of its civil penalty regulation.

**Gold King Mine Release In Colorado**

***DOI Bureau Of Reclamation Releases Gold King Mine Technical Assessment To EPA***

On October 22, 2015, the DOI Bureau of Reclamation [announced](http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=50847) that it delivered a report on its Gold King Mine technical evaluation to EPA. EPA requested an independent review to assess the cause of the August 2015 Gold King Mine spill and provide recommendations to prevent future incidents from occurring. The Bureau states that, in preparing this report, it “found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique, and in fact are surprisingly prevalent.” According to the Bureau, the current state of practice appears to focus attention on the environmental issues, “with little appreciation for the engineering complexity” that some abandoned mine projects require. The report includes the following recommendations:

1. Because of the complexity of reopening a flooded abandoned mine, a potential failure modes analysis should be incorporated into project planning;

2. Before opening an abandoned mine audit, review mine maps, production records, dump size, and local history about the mine to evaluate the potential volume of mine workings. If the volume is large, consider what would happen if there were an accidental release and what could be done to protect against it. A downstream-consequences analysis should be a part of every complex mine remediation;

3. Water conditions within the mine should be directly measured prior to opening a blocked mine. Indirect evidence is insufficient if the potential for a blowout exists; and

4. Where significant consequences of failure are possible, independent expertise should be obtained to review project plans and designs prior to implementation.

On November 2, 2015, Senators James Inhofe (R-OK) and Mike Rounds (R-SD) sent a letter to Bureau of Reclamation Commissioner Estevan Lopez to request e-mails and correspondence between the Bureau and EPA prior to the mine spill. The letter notes that the Bureau’s October 22, 2015, report was peer reviewed by USGS and the U.S. Army Corps of Engineers, who reportedly questioned why the Bureau “did not examine the internal decision making by EPA and its contractors or what caused the urgency to begin excavation work while the original on-scene coordinator was on vacation” and before Bureau staff were scheduled to visit the site. The letter requests all e-mails, memoranda, correspondence, or other documents created or received between August 1, 2015, and to date concerning communications between the Bureau and EPA and internal Bureau communications. The letter also requests all e-mails, comments, edits, or other documents concerning communications between the Bureau and the peer reviewers of the October 22, 2015, report. The letter asks that the documents be provided by November 13, 2015.

***EPA OIG Expands Scope Of Gold King Mine Spill Review***

The EPA OIG announced on November 4, 2015, that it will review additional issues in response to a second Congressional request, and has learned of additional matters since it began its work. According to the November 4, 2015, [memorandum](http://go.usa.gov/cCSGm) to Shaun McGrath, Regional Administrator, Region 8, and Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response, the OIG will determine the scope of its work as it obtains information on the following matters:

* Details on the work EPA was conducting at the Gold King Mine prior to the spill on August 5, 2015;
* Details on the expertise of EPA employees and contractors carrying out that work;
* Criteria EPA would apply before approving a contractor for a similar cleanup performed by a private party and whether EPA applied the same criteria to itself;
* EPA’s legal requirements and current policies and guidelines on reporting a release of a hazardous substance;
* EPA’s legal requirements and current policies and guidelines on contacting tribal, state, and local government agencies when it creates a release of a hazardous substance;
* Whether EPA followed its legal requirements, current policies, and guidelines in this particular spill at Gold King Mine;
* How EPA’s current policies and guidelines are designed to ensure compliance with legal requirements and to keep tribal, state, and local agencies adequately informed regarding a release of hazardous substances;
* Whether any reported delay in providing information to tribal, state, and local agencies created any reported health risks or delayed emergency responses from those agencies;
* EPA’s policies regarding indemnification of contractors, and whether indemnification policies have created any impediments or obstacles on the standard of care taken during response activities;
* Whether, given known concerns that work at the Red and Bonita Mine could increase water in the Gold King Mine, EPA took appropriate care to determine water levels in the Gold King Mine before removing rock from the portal;
* Whether EPA should have conducted pressure tests on the trapped water behind the mine pool before attempting to open the Gold King Mine, as was done at the Red and Bonita Mine in 2010;
* What additional policies should be in place to safeguard against future spills at abandoned mine sites during remediation projects;
* How EPA defined and assured the independence of the Bureau of Reclamation staff, officials, contractors, or others involved in conducting, supervising, reviewing, or overseeing EPA’s requested external assessment of the factors that led to the Gold King Mine release on August 5, 2015; and
* The basis for material differences between the Bureau of Reclamation report and other official EPA or EPA OIG information collected on the factors that led to the Gold King Mine release.

**MISCELLANEOUS ISSUES**

**OMB Extends Approval Of ICR Concerning Cadmium In Construction Standard**

On November 12, 2015, OSHA announced that OMB extended its approval of the OSHA ICR entitled “**Cadmium** in Construction Standard.” The expiration date of the approval is **October 31, 2018**. An ICR is a set of documents that describes reporting, recordkeeping, survey, or other information collection requirements imposed on the public by a federal agency. The Paperwork Reduction Act requires that every federal agency must obtain approval from OMB before collecting information. Agencies must request OMB to renew its approval every three years. More information regarding the ICR is available in our September 28, 2015, Update.

**OSHA Seeks Public Comment On Updated Safety And Health Program Management Guidelines**

On November 16, 2015, OSHA requested comment on its [draft update of the Safety and Health Program Management Guidelines](https://www.osha.gov/shpmguidelines/index.html). OSHA states that the updated guidelines will provide employers and workers with a sound, flexible framework for addressing safety and health issues in the workplace. OSHA intends the guidelines to help employers establish safety and health plans at their workplaces. According to OSHA, key principles include finding and fixing hazards before they cause injury or illness, and making sure that workers have a voice in safety and health. The draft update includes:

* A proactive approach to finding and fixing hazards before they cause injury, illness, or death;
* Improved safety and health in all types of workplaces;
* Help for small and medium-sized businesses to protect effectively their workers;
* Increase worker involvement, so all workers have a voice in workplace safety and health; and
* Better communication and coordination on multi-employer worksites.

OSHA notes that the guidelines “are not a new standard or regulation and do not create any new legal obligations or alter existing obligations created by OSHA standards or regulations.” Comments are due **February 15, 2016**.

**OSHA Examining Outdated PELs**

According to an item in OSHA’s Fall 2015 Regulatory Agenda, “[t]here is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA’s PELs are outdated and need revising in order to take into account newer scientific data that indicates that significant occupational health risks exist at levels below OSHA’s current PELs.” On October 10, 2014, OSHA published an RFI to solicit comment from the public on approaches it may take to reduce the risk of developing illness caused by exposure to hazardous chemicals. OSHA notes that the RFI does not address PSM issues, “but rather lower, longer-term exposures.” Comments on the RFI were due October 9, 2015. The item lists “Analyze Comments” with a date of **April 2016**.

**OSHA Intends To Revoke Obsolete PELs**

According to an item in OSHA’s Fall 2015 Regulatory Agenda, OSHA is initiating a new regulatory project to revoke “a small number of obsolete” PELs for chemicals contained in the 29 C.F.R. 1910.1000 Table Z-1. OSHA states that it will propose revocation of “a small number of chemical PELs for which the OSHA PEL substantially exceeds other recommended occupational exposure limits and for which the agency has evidence that workers are not generally being exposed at a level approaching the OSHA PEL (*e.g*., employers have not been cited for violation of the PEL for some time).” OSHA intends to issue an RFI in **July 2016**.

**Court Grants NGO’s Motion For Summary Judgment, Orders SEC To File Expedited Schedule For Issuing Resource Extraction Disclosure Rule**

On October 2, 2015, the SEC filed, a notice of proposed expedited rulemaking schedule in the U.S. District Court for the District of Massachusetts. *Oxfam Am. Inc. v. SEC*, No. 14-cv-13648. Pursuant to the court’s September 2, 2015, order, the SEC proposes to hold a vote on the adoption of a final resource extraction disclosure rule within 270 days of this submission (*i.e*., on or before **June 27, 2016**). In accordance with this proposed schedule, the SEC anticipates holding a vote on a proposed rule before the **end of 2015**, and to afford members of the public a comment period thereafter of at least 45 days. The SEC states that the 270-day schedule is “an extremely expedited timeframe within which to complete this rulemaking.” The SEC notes that because adoption of any rule will require a majority vote of the participating Commissioners, the SEC cannot guarantee that a final rule will be adopted when it holds a vote. On October 9, 2015, Oxfam America filed its response to the SEC’s notice of proposed expedited rulemaking. Oxfam America states that it “welcomes” SEC’s proposed schedule and does not object to the timeline. Oxfam America asks the court to retain jurisdiction of the case to oversee the implementation of the rulemaking; require SEC to provide prompt notice if it believes the timeline has become “impracticable”; and clarify that if the SEC does not adopt a rule within the 270-day timeframe, it will be in further violation of its obligations under APA Section 706(1).

**STATE ISSUES**

***California***

**GRSP Discusses Draft Stage 1 AA Guide**

GRSP met November 12-13, 2015, to discuss and advise DTSC on the [Draft Stage 1 AA Guide](https://calsafer.dtsc.ca.gov/Comments/PackageDetail.aspx?PID=11741). DTSC extended the comment period on the Draft Stage 1 AA Guide until November 16, 2015. According to [meeting information](http://www.dtsc.ca.gov/SCP/GRSPUpcomingMeetings.cfm) on DTSC’s website, the GRSP also discussed and advised DTSC on its research on products and chemicals in the three-year Priority Products Work Plan.

***Minnesota***

**MDH Proposes Amendments To HRLs, Including Cadmium**

According to the [MDH website](http://www.health.state.mn.us/divs/eh/risk/rules/water/publicinput.html), during the comment period that ended October 1, 2015, MDH did not receive any comments on its proposed HRL amendments that concern **cadmium**. MDH states that it intends to adopt the proposed changes without a hearing, because there were not 25 or more written requests for a hearing. The [timeline](http://www.health.state.mn.us/divs/eh/risk/rules/water/schedule.html) on the MDH website anticipates that the amendments will be adopted in **December 2015**. More information on the proposed amendments is available in our September 28, 2015, Update.

***New York***

**Rockland County Attorney Negotiates Agreement To Stay Implementation Of Toxic Free Toys Act**

Rockland County Executive Ed Day wrote a November 5, 2015, column entitled “[The County Executive’s Corner: Counting Faces Lawsuit re: Toxic Toys Legislation](http://www.rocklandtimes.com/2015/11/05/the-county-executives-corner-counting-faces-lawsuit-re-toxic-toys-legislation/).” According to the column, Rockland County Attorney Thomas Humbach negotiated an agreement with the Safe to Play Coalition, which had threatened to sue Rockland County to stay enforcement of the Toxic Free Toys Act. As reported in our August 27, 2015, Update, the Act prohibits the sales of children’s products or apparel that contain benzene, lead, mercury, antimony, arsenic, **cadmium**, and cobalt. Day states that under the agreement, the Coalition will hold off on suing Rockland County until **December 31, 2015**. In return, the County agreed to implement a moratorium on enforcement until remedies are made. Day states that the Office of Consumer Protection “will use its discretion and NOT act on the law through that time.” Day urged Legislative Chairman Alden Wolfe to revise the Act, which Day states has a “zero tolerance” toxicity level for all toys sold in Rockland County, making it impossible for any manufacturer to achieve compliance. According to Day, research found that ASTM “cannot verifiably show a complete absence of toxic substances in a given product. Trace amounts of naturally occurring elements cannot be scientifically removed -- ubiquitous elements that exist in the air we breathe, the water we drink and even in the organic foods we consume.”

***Oregon***

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

On October 7, 2015, EPA filed in the U.S. District Court for the District of Oregon a cross-motion for summary judgment and opposition to plaintiff’s motion for summary judgment. *NWEA v. EPA*, No. 3:15-cv-0663. In the factual background, EPA states:

With respect to the acute **cadmium** criterion, the major scientific task to be completed prior to proposal is to update EPA’s 2001 recommended **cadmium** criteria (including the acute **cadmium** criterion) based on more recent studies. To date, EPA has spent approximately $157,600 evaluating data from the pertinent toxicological databases and recalculating the criteria. The acute **cadmium** criterion that Oregon submitted was based on EPA’s 2001 recommendations, but EPA intends that its proposal of replacement criteria be based on a more up-to-date analysis of the available science.

EPA argues that the requirement that EPA act “promptly” does not unambiguously and expressly create a mandatory duty within the meaning of the CWA citizen suit provision. According to EPA, a period of 26 months is not a *per se* violation of the requirement that EPA act “promptly.” If this Court does have jurisdiction and if EPA has violated its duty to act “promptly,” the proper remedy would be for the court to establish a schedule that accounts for all relevant circumstances. EPA cites the declaration of Betsy Southerland, Director of EPA’s Office of Science and Technology, who concluded that the “most accelerated, yet practicable” schedule for EPA to complete its processes under CWA Section 303(c)(4) with respect to Oregon criteria for **cadmium** is to sign an NPRM by **May 31, 2016**, and sign a notice of final rulemaking by **March 17, 2017**. On November 17, 2015, the parties filed a joint motion to stay proceedings to pursue settlement discussions. According to the motion, the parties are “currently engaged in productive settlement discussions, and have drafted and exchanged several rounds of proposed language outlining the framework of an agreement” that would resolve plaintiff’s claims. The parties have reached agreement in principle on most of the main points of a prospective settlement, but require additional time to continue their discussions and reach the final terms of the settlement agreement. The motion states that the parties anticipate reaching a final settlement by **February 2016**. The court granted the motion on November 19, 2015, and directed the parties to file a joint status report no later than **January 15, 2016**, and a jointly proposed stipulated judgment no later than **February 19, 2016**.

**OHA Publishes NPRM Concerning List Of High Priority Chemicals Of Concern For Children’s Health**

The [November 1, 2015, issue](http://arcweb.sos.state.or.us/pages/rules/bulletin/1115_bulletin/1115_rulemaking_bulletin.html) of the *Oregon Bulletin* includes a notice announcing that OHA is proposing to adopt permanently administrative rules related to high priority chemicals of concern for children’s health. S.B. 478 requires OHA to maintain a list of high priority chemicals of concern for children’s health when used in children’s products. The law states that the initial list shall “include on the list chemicals that are listed on the Washington State Department of Ecology’s Reporting List of Chemicals of High Concern to Children.” WDOE’s list includes **cadmium** and **cadmium compounds**. OHA’s proposed rules would establish the initial list of high priority chemicals of concern for children’s health when used in children’s products that a manufacturer of children’s products sold or offered for sale in Oregon must notify to OHA beginning on **January 1, 2018**. OHA states that the rulemaking “is only establishing the list of high priority chemicals of concern for children’s health when used in children’s products. No requirements are being imposed on manufacturers at this time.” Comments were due November 23, 2015.

***Texas***

**TCEQ Toxicology Division Seeks Toxicity Information For Cadmium**

As reported in our October 29, 2015, e-mail, on October 29, 2015, the TCEQ Toxicology Division announced that it is [requesting toxicity information](http://www.tceq.texas.gov/toxicology/esl/develop_list.html) for consideration in the development of toxicity factors for several chemicals, including **cadmium**. The Toxicology Division selects chemicals for one or more of the following reasons:

* They have been detected in air monitoring;
* Permits are frequently issued for them; or
* The public has expressed concerns about them.

Data submissions are due **January 29, 2016**.

***Vermont***

**Legislative Committee Approves Rule On Chemicals Of High Concern In Children’s Products**

At the November 19, 2015, meeting of the Legislative Committee on Administrative Rules, the Committee approved the [Chemicals of High Concern in Children’s Products Rule](http://healthvermont.gov/regs/documents/chemicals_high_concern_childrens_products_rule.pdf). The Rule provides the requirements for the disclosure and reporting of toxic substances, including **cadmium**, that are intentionally added to a children’s product at a level above the PQL produced by the manufacturer or are present in a children’s product produced by the manufacturer as a contaminant at concentrations of 100 ppm or greater. The Rule will take effect **December 10, 2015**. The first reporting period will be from **January 1, 2016**, to **July 1, 2016**. According to VDOH’s [web page](http://healthvermont.gov/enviro/chemical/cdp.aspx) for the Chemical Disclosure Program for Children’s Products, the PQL for **cadmium** and **cadmium compounds** is 1.0 ppm.

***Washington***

**WDOE Intends To Update PBT Rule**

According to an October 12, 2015, [pre-proposal statement of inquiry](http://www.ecy.wa.gov/laws-rules/wac173333/d1512.pdf), WDOE [intends](http://www.ecy.wa.gov/programs/hwtr/laws_rules/PBT/1512ov.html) to amend the Persistent Bioaccumulative Toxins Rule, which would be renamed the Chemical Action Plans Rule. The Rule identifies the criteria for persistence, bioaccumulation, and toxicity used to identify a chemical as PBT, provides a list of chemicals for which Chemical Action Plans may be developed, identifies the Chemical Action Plan development process, and details the Chemical Action Plan contents. According to WDOE, the Rule amendment will incorporate recent scientific information relating to PBTs and other chemicals. The Rule update will consider improvements to the Chemical Action Plan development process based on WDOE’s experiences from the completion of five previous Chemical Action Plans. According to WDOE, updating the chemical list and streamlining the Chemical Action Plan process will allow WDOE to update the science and focus its efforts on the most important chemicals. During this update, WDOE states that it “will evaluate the opportunity to provide consistency by aligning chemical criteria with other jurisdictions, like the European Union.” WDOE will use a [listserv](http://listserv.wa.gov/cgi-bin/wa?A0=CHEMICAL-ACTION-PLAN-RULE) to inform interested stakeholders of rulemaking activities. In **late 2015**, WDOE intends to send a survey (or surveys) to interested stakeholders soliciting input on proposed approaches and amendments. WDOE states that the preliminary draft language “will be influenced by the responses to this outreach.” A [timeline](http://www.ecy.wa.gov/programs/hwtr/laws_rules/PBT/1512time.html) is available online.

**WTC Asks WDOE To Investigate Violations Of CSPA, Including For Cadmium**

WTC [announced](http://www.watoxics.org/toxicswatch/wtc-asks-state-to-investigate-possible-violations-of-cadmium-phthalate-standards-for-kids-products) on October 16, 2015, that it asked the WDOE to investigate and take action against companies that appear to be violating state standards for **cadmium** and phthalates in children’s clothing and personal care products. According to WTC, it reviewed “thousands of reports filed by kids’ product manufacturers on the toxic chemicals in their products.” WTC claims that “[m]any companies appear to have violated state standards over the past years, including The Gap, Michael’s Stores, and Carters.” WTC asked WDOE to:

* Investigate these reports;
* Request that companies potentially in violation of the law disclose the specific products that violate the standard; and
* Take appropriate enforcement action against companies violating state limits on phthalates and **cadmium** in children’s products.

According to a WDOE spokesperson, WDOE is “now beginning the process of investigating these self-reported violations.” The spokesperson stated that WDOE will “continue to emphasize product testing as the best and surest path to assure compliance,” but it will add to that a “routine evaluation of reported information and subsequent follow-up of apparent violations.”

**INTERNATIONAL ISSUES**

**NGO Includes Cadmium On List Of World’s Top Six Toxic Threats**

On October 20, 2015, Pure Earth and Green Cross Switzerland issued a [press release](http://worstpolluted.org/2015-press-release.html) announcing its report on the “six soil pollutants that pose an outsized threat to human health.” According to the NGOs, the six pollutants -- lead, radionuclides, mercury, hexavalent chromium, pesticides, and **cadmium** -- “collectively affect the health of 95 million people and account for 14.7 million Disability Adjusted Life Years (DALYs) lost in low- and middle-income countries. Exposure to these pollutants result[s] in debilitating and life-threatening diseases, especially in children.” The one change to the top six list is that **cadmium** has replaced arsenic. The [fact sheet](http://worstpolluted.org/2015-fact-sheet-cadmium.html) for **cadmium** states:

Pure Earth estimates that 5 million people are at risk for exposure to **cadmium** globally, with an estimated burden of disease of 250,000 DALYs. As of 2015, the Toxic Sites Identification Program has identified over 150 sites around the world where exposure to **cadmium** threatens the health of the population.

**AUSTRALIA**

**Australia Begins Public Consultation On Chemical Exposure Standards**

SWA has begun a [public consultation](https://submissions.swa.gov.au/SWAforms/wes/pages/form) on the role of workplace exposure standards and how they could be reviewed and maintained. According to the [discussion paper](https://submissions.swa.gov.au/SWAforms/wes/Documents/exposure-standards-discussion-paper.pdf), Australia’s workplace exposure standards were first adopted from the standards set by ACGIH® in the 1980s by the National Health and Medical Research Council. The standards were first published by SWA’s predecessor, NOHSC, in 1990. NOHSC updated about 80 of the 644 standards 1995-2005, but the “vast majority” have not been updated since they were adopted. The discussion paper examines the role of exposure standards in the regulatory framework and considers how they could be reviewed and maintained. The discussion paper lists the following ways SWA could review exposure standards and keep them up to date in a timely and efficient way:

* Reinstating the NOHSC fast-track process: Some stakeholders have suggested SWA could reinstate the NOHSC fast-track process to review exposure standards. Even if the NOHSC fast-track process was reinstated, or a new equivalent process was established, SWA states that it is unlikely that it could keep the current exposure standards list up to date.
* Replacing exposure standards in line with international updates: SWA could undertake an internal process to replace Australia’s exposure standards in line with those international standards that have been reviewed recently. For example, in 2015, the ACGIH® noted intended changes to 22 TLV®s. SWA states: “Rather than undertaking its own reviews, Safe Work Australia could simply replace exposure standards with the recently updated ACGIH standards.”
* Adopting international exposure standards: SWA could adopt all exposure standards from an international standards setting body, such as ACGIH® or DFG, and regularly update them to ensure they stay up to date with international standards. This approach would simplify the process by updating all exposure standards at the same time.
* Keeping a smaller number of mandatory exposure standards up to date: It has been suggested it would be more efficient to keep a smaller number of mandatory exposure standards up to date. For example, exposure standards could be retained for high-hazard or high-risk chemicals, such as lead and asbestos. Criteria would need to be developed to determine which exposure standards should be retained and it is likely there would be many different views on which standards are necessary.

Comments are due **December 18, 2015**.

**CHINA**

**State Council Will Restrict New Industrial Development To Control Heavy Metal Pollution**

MEP [announced](http://www.mep.gov.cn/gkml/hbb/qt/201511/t20151119_317343.htm) on November 19, 2015, that in **2016**, the State Council will restrict new industrial development in provinces that fail to meet heavy metal pollution targets. According to the MEP, by the end of 2014, the total amount of lead, mercury, **cadmium**, chromium, and arsenic pollution dropped 20.8 percent compared to 2007 levels, but their presence in soil and water is still a major concern in Hebei, Fujian, Sichuan, and Shaanxi Provinces and the Inner Mongolia and Xinjiang-Uighur autonomous regions, which face the greatest challenges in controlling industrial emissions. MEP named five cities for “exceedingly rapid growth” of heavy metal pollutant discharge, including Yantai in Shandong Province, Chenzhou, Loudi and Yueyang in Hunan Province, and Liangshan prefecture in Sichuan Province.

**China Expected To Announce Draft Guidelines For Responsible Mineral Supply Chains In December 2015**

China is expected to announce draft guidelines for responsible mineral supply chains at the **December 2-3, 2015**, OECD conference in Beijing. CCCMC drafted the guidelines, which would be voluntary and are aligned with OECD’s due diligence guidelines. Under the draft guidelines, CCCMC would prioritize the following minerals, including their metals, ores, and concentrates:

* Gold;
* Cassiterite and other tin materials;
* Wolframite and other tungsten minerals; and
* Coltan and concentrates that contain niobium or tantalum.

China could issue final guidelines and supplementary materials in **2016**.

**SOUTH KOREA**

**Guidance States Companies Have Until November 30 To Join CICO Joint Registration Forum For K-REACH**

According to October 26, 2015, [guidance](http://www.lawbc.com/uploads/docs/00170341.PDF), companies importing or manufacturing priority existing chemicals in South Korea must join the CICO joint registration forum by **November 30, 2015**. As reported in our July 28, 2015, Update, the [final list of priority existing chemical substances](http://www.actagroup.com/uploads/docs/00162853.PDF) for registration under K-REACH includes **cadmium**, as well as several **cadmium compounds**. From **December 1-14, 2015**, a lead registration election will be held.

**South Korea Publishes Revised Ministerial Decree Concerning K-REACH**

South Korea published a revised Ministerial Decree concerning K-REACH in the October 30, 2015, *Korean Gazette*. The Ministerial Decree took effect immediately. Changes include:

* To protect CBI, companies can now list a product name rather than provide chemical information;
* Foreign manufacturers and producers can prepare and submit annual reports;
* Figures on handled volume can now be provided in ranges when reporting manufactured volumes;
* The test requirements for biocidal products have been simplified, requiring “usage and efficacy-related test data” rather than a “test analysis of active ingredients”; and
* Documents required for exemption from registration of R&D substances can be prepared and submitted by R&D personnel.

**TAIWAN**

**MOHW Issues Revised Test Methods For FCMs**

MOHW issued documents describing the revised testing methods for substances in food utensils, containers, and packages. The documents include a 0.5 ppm threshold limit for **cadmium**. MOHW issued the revised methods in accordance with Article 38 of the Food Safety Act.

\* \* \* \* \*

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

**μg/L** -- Microgram Per Liter

**AA** -- Alternatives Analysis

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

**APA** -- Administrative Procedure Act

**ASTM** -- American Society for Testing Materials

**AWQC** -- Ambient Water Quality Criteria

**CAA** -- Clean Air Act

**CaCO3** -- Calcium Carbonate

**CBI** -- Confidential Business Information

**CBP** -- United States Customs and Border Protection

**CCCMC** -- Chinese Chamber of Commerce for Metals, Minerals, and Chemicals

**Cd** -- Cadmium

**CEC** -- Commission for Environmental Cooperation

**CEO** -- Chief Executive Officer

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

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

**CICO** -- Chemical Substance Information Communicative Organization

**CSPA** -- Children’s Safe Product Act

**CWA** -- Clean Water Act

**DALY** -- Disability Adjusted Life Year

**DFG** -- Deutsche Forschungsgemeinschaft

**DOI** -- United States Department of the Interior

**DTSC** -- Department of Toxic Substances Control

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

**FAQ** -- Frequently Asked Question

**FCM** -- Food Contact Material

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

**GRSP** -- Green Ribbon Science Panel

**HCS** -- Hazard Communication Standard

**HRL** -- Health Risk Limit

**ICdA** -- International Cadmium Association

**ICR** -- Information Collection Request

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

**LWCF** -- Land and Water Conservation Fund

**MDH** -- Minnesota Department of Health

**MEP** -- Ministry of Environmental Protection

**mg/L** -- Milligram Per Liter

**MOHW** -- Ministry of Health and Welfare

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

**NGO** -- Non-Governmental Organization

**NOHSC** -- National Occupational Health and Safety Commission

**NPRM** -- Notice of Proposed Rulemaking

**NWEA** -- Northwest Environmental Advocates

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

**OIG** -- Office of the Inspector General

**OHA** -- Oregon Health Authority

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

**OSHA** -- Occupational Safety and Health Act

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

**PEL** -- Permissible Exposure Limit

**ppm** -- Part Per Million

**PQL** -- Practical Quantification Limit

**PSM** -- Process Safety Management

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

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

**RFI** -- Request for Information

**RMP** -- Risk Management Program

**SDWA** -- Safe Drinking Water Act

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

**SNUR** -- Significant New Use Rule

**SWA** -- Safe Work Australia

**TCEQ** -- Texas Commission on Environmental Quality

**TLV®** -- Threshold Limit Value

**TSCA** -- Toxic Substances Control Act

**USGS** -- United States Geological Survey

**VDOH** -- Vermont Department of Health

**WDOE** -- Washington Department of Ecology

**WHO** -- World Health Organization

**WTC** -- Washington Toxics Coalition

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)