#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**November 28, 2016**[[1]](#footnote-1)

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***Bergeson & Campbell, P.C. extends its best wishes to our clients and many friends and we wish you and your family a happy, healthy, and peaceful New Year. As we have for many years, the firm has made a contribution to the House of Ruth, a shelter for battered women and their children, in lieu of gifts to our clients, and on our clients’ behalf.***

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**FEDERAL ISSUES**

**CERCLA ISSUES**

**Financial Assurance Rulemaking Under OMB Review**

On October 7, 2016, EPA submitted to OMB a proposed rule regarding financial responsibility requirements under CERCLA Section 108(b) for classes of facilities in the hardrock mining industry. Senator David Vitter (R-LA), Chair of the Small Business Committee, questioned EPA’s compliance with small business outreach rules. An EPA spokesperson recently stated that EPA is continuing to receive input from a small business panel in accordance with SBREFA. EPA included a notice regarding the rulemaking in its Fall 2016 Unified Agenda, which it published on November 17, 2016. EPA intends to issue an NPRM by **December 1, 2016**, as required by the consent agreement in the U.S. Court of Appeals for the District of Columbia Circuit case *In re Idaho Conservation League*, No. 14-1149. The Unified Agenda item includes the following information:

* **Statement of Need**: EPA’s CERCLA Section 108(b) rules will address the degree and duration of risks associated with aspects of hazardous substance management at hardrock mining and mineral processing facilities. These regulations will help ensure that businesses make financial arrangements to address risks from hazardous substances at their sites, and encourage businesses to improve their management of hazardous substances.
* **Summary of the Legal Basis**: CERCLA Section 108(b) establishes certain regulatory authorities concerning financial responsibility requirements. Specifically, the statutory language addresses the promulgation of regulations that require classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances.
* **Alternatives**: EPA is considering proposing for comment alternatives for allowable types of financial instruments.
* **Anticipated Costs and Benefits**: EPA expects that the primary costs of the rule will be the costs to facilities for procuring required financial instruments. EPA also expects to incur administrative and oversight costs. These regulations will help ensure that businesses make financial arrangements to address risks from hazardous substances at their sites, and encourage businesses to improve their management of hazardous substances.
* **Risks**: EPA’s Section 108(b) rules are intended to address the risks associated with the production, transportation, treatment, storage, or disposal of hazardous substances at hardrock mining and mineral processing facilities.

**CWA/SDWA ISSUES**

**OMB Reviewing Final Rule On Aquatic Life Criteria For Copper and Cadmium In Oregon**

On October 17, 2016, EPA submitted to OMB a final rule concerning aquatic life criteria for copper and **cadmium** in Oregon. As reported in our May 28, 2016, Update, on April 18, 2016, EPA published a proposed rule that would establish federal CWA aquatic life criteria for freshwaters under the State of Oregon’s jurisdiction “to protect aquatic life from the effects of exposure to harmful levels of copper and **cadmium**.” EPA held public hearings on the proposed rule on May 16 and May 17, 2016. Comments were due June 2, 2016. EPA included an item in its Fall 2016 Unified Agenda on the rulemaking, stating that it intends to promulgate a final rule in **January 2017**. If Oregon adopts and submits new or revised water quality criteria and EPA approves them before promulgating a final rule, EPA would not proceed with the final rulemaking for those waters and/or pollutants for which EPA approves Oregon’s new or revised criteria. If EPA promulgates a final rule, and Oregon subsequently adopts and submits new or revised criteria that EPA finds meet CWA requirements, EPA proposed that once it approves Oregon’s criteria, they would become effective for CWA purposes, and EPA’s corresponding promulgated criteria would no longer apply.

**TSCA ISSUES**

**EPA Responds To Inquiries On Making CBI Claims In CDR Reports**

On October 6, 2016, EPA reminded stakeholders what it means to claim chemical identity as CBI when reporting for the 2016 CDR. Under CDR, chemical substances are reported by either a CAS number and a specific chemical identity or by an accession number and a generic name. When the specific chemical identity and CAS number are already on the public version of the TSCA Inventory, that information is already public and cannot be claimed as CBI for CDR submissions. EPA’s Q&As include:

Can I claim as CBI the link between the chemical identity and my company and site information?

Any submitter can claim as CBI the link between the chemical identity and either their company or site. Rather, check the boxes in fields 2.B.1 (for the company identity) and 2.B.2 (for the site identity) and complete the required substantiation questions.

* Claiming the company identity as CBI protects the information submitted in Part I Section A (Parent Company Information) and does not protect the link between the specific chemical identity and the site’s identity;
* Likewise, claiming site identity as CBI protects the information submitted in Part I Section B (Site Information) and does not protect the link between the specific chemical identity and the company’s identity. It does protect the identity of the site where the chemical substance was manufactured (including imported); and
* Any CBI claim is subject to review by EPA.

More information about asserting CBI claims is available in the [2016 CDR Instructions for Reporting](https://www.epa.gov/chemical-data-reporting/instructions-reporting-2016-tsca-chemical-data-reporting) and [Frequent Questions 31.1 to 35.2](https://www.epa.gov/chemical-data-reporting/asserting-confidential-business-information-cbi-claims-and-certification). EPA notes that new TSCA Section 14(g)(1)(C)(ii) requires that EPA review at least 25 percent of CBI claims. For every fourth submission received after June 22, 2016, that contains at least one CBI claim, EPA states that it is sending a letter to the submitter, notifying the submitter of the review, and providing an opportunity to substantiate the claims. For CDR submissions, EPA will not send out these letters where the submitter was required to substantiate all CBI claims made as part of their CDR submission. In addition, EPA will review and make determinations within 90 days on new CBI claims for chemical identity in submissions to EPA filed after June 22, 2016, as required by TSCA Section 14(g)(1)(C)(i), also requiring substantiation. More information about CBI reviews is available in [Frequent Questions 27 to 30](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act-0).

**EPA Submits Final TSCA Rule On Nanomaterials To OMB For Review**

On October 7, 2016, EPA [submitted](http://www.reginfo.gov/public/do/eoDetails?rrid=126831) to OMB a final rule that would require reporting and recordkeeping information on certain chemical substances when they are manufactured or processed as nanoscale materials. EPA issued a proposed rule, under TSCA Section 8(a), on April 6, 2015. EPA proposed to require persons that manufacture or process certain chemical substances when manufactured or processed at the nanoscale to report electronically to EPA certain information, including the specific chemical identity, production volume, methods of manufacture and processing, exposure and release information, and existing data concerning environmental and health effects. EPA also proposed to require any persons who intend to manufacture or process chemical substances as discrete nanoscale materials after the effective date of the final rule to notify EPA of the same information at least 135 days before the intended date of commencement of manufacture or processing. As reported in our May 28, 2015, Update, 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**. According to an item in EPA’s Fall 2016 Unified Agenda, EPA intends to promulgate a final rule in **December 2016**.

**EPA Fast Tracks Five PBT Chemicals**

EPA announced on October 11, 2016, that it is taking “swift steps” to reduce exposure to certain PBT chemicals. The five chemicals to receive expedited action are:

* DecaBDE, used as a flame retardant in textiles, plastics, and polyurethane foam;
* HCBD, used in the manufacture of rubber compounds and lubricants and as a solvent;
* PCTP, used as an agent to make rubber more pliable in industrial uses;
* Tris (4-isopropylphenyl) phosphate, used as a flame retardant in consumer products and other industrial uses; and
* 2,4,6-Tris(tert-butyl)phenol, used as a fuel, oil, gasoline, or lubricant additive.

Under new TSCA, manufacturers had an opportunity to request by September 19, 2016, that EPA conduct risk evaluations for the PBT chemicals on EPA’s 2014 Work Plan, as an alternative to expedited action. According to EPA, it will conduct full risk evaluations for one fragrance chemical, ethanone, which has two slightly different chemical identities. The manufacturer, International Flavors and Fragrances Inc., requested the full risk evaluation and will pay 50 percent of its cost. EPA states that for the remaining PBT chemicals, it must take expedited action to reduce exposure to those chemicals to the extent practicable. After EPA finishes identifying where these chemicals are used and how people are exposed to them, EPA intends to move directly to propose limitations on their use.

**Fall 2016 Unified Agenda Includes Rules To Implement TSCA Reform**

On November 17, 2016, EPA published its Unified Agenda, which includes the following rules that would implement TSCA reform:

* Procedures for Evaluating Existing Chemical Risks Under TSCA: Revised TSCA Section 6(b)(4) requires EPA to promulgate a final rule within one year of enactment to establish EPA’s process for evaluating the risk of existing chemical substances and determining whether they present an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use. EPA intends to issue an NPRM in **December 2016**. On November 10, 2016, EPA submitted a proposed rule to OMB for review;
* Procedural Rule: Review of CBI Claims for the Identity of Chemicals on the TSCA Inventory: Revised TSCA Section 8(b)(4)(C) requires EPA to issue a final rule within one year of completing a “reset” of the TSCA Inventory that establishes a plan to review all claims to protect the specific chemical identities of chemical substances on the confidential portion of the active Inventory. The rule must require all manufacturers or processors asserting CBI claims for the identities of chemicals on the active Inventory to substantiate those claims in accordance with TSCA Section 14, unless the manufacturer or processor already substantiated the claim in a submission to EPA that was subsequently approved during the previous five-year period. Approved CBI claims will generally be valid for ten years. EPA intends to issue an NPRM in **April 2017** and promulgate a final rule in **May 2018**;
* Procedures for Prioritization of Chemicals for Risk Evaluation Under TSCA: Revised TSCA Section 6(b)(1) requires that EPA promulgate a final rule within one year of enactment to establish a risk-based screening process, including criteria for designating chemical substances as high-priority substances for risk evaluations or low-priority substances for which risk evaluations are not warranted at the time. EPA intends to issue an NPRM in **December 2016**. On November 7, 2016, EPA submitted a proposed rule to OMB for review;
* TSCA Inventory Notification Active-Inactive Reporting Requirements: Revised TSCA Section 8 requires EPA to compile, keep current, and publish a list of each chemical substance that is manufactured or processed in the U.S. (*i.e*., the TSCA Inventory). Under amended TSCA Section 8(b)(4)(A), EPA must promulgate a final rule within one year of enactment that would require manufacturers and, under certain circumstances, processors of chemical substances to notify EPA of each chemical substance listed on the TSCA Inventory that the manufacturer (or processor, if applicable) has manufactured or processed for a nonexempt commercial purpose during the ten-year period prior to enactment. By statute, the notification deadline is 180 days after publication of the final rule in the *Federal Register*. EPA intends to issue an NPRM in **December 2016** and promulgate a final rule in **June 2017**; and
* Service Fees for the Administration of TSCA: Revised TSCA Section 26(b)(1) authorizes EPA to issue a rule to establish fees to defray the cost of administering Sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under Section 14 information on chemical substances (including contractor costs incurred by EPA).

**EPA Will Hold Meeting On Changes To New Chemicals Review Program**

On **December 14, 2016**, EPA will hold a meeting to update the public on changes to the New Chemicals Review Program under TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. EPA has new authority to review and determine the risk associated with the manufacturing and processing of new chemicals. EPA will describe its review process for new chemicals under the amended statute, as well as discuss issues, challenges, and opportunities that EPA has identified in the first few months of implementation. [Registration](https://www.eventbrite.com/e/us-epa-tsca-stakeholder-meeting-new-chemicals-program-registration-29286083464) is due by **December 13, 2016**.

**MINING AND MINERAL ISSUES**

**GAO Recommends Federal Government Strengthen Its Approach To Identify And Mitigate Supply Risks For Critical Raw Materials**

On October 3, 2016, GAO released a report entitled [*Advanced Technologies: Strengthened Federal Approach Needed to Help Identify and Mitigate Supply Risks for Critical Raw Materials*](http://www.gao.gov/products/GAO-16-699). GAO was asked to examine U.S. efforts to identify and strategically plan for critical materials supply issues. The report describes federal agencies’ activities related to the supply of critical materials, and evaluates the federal government’s approach to addressing critical materials supply issues. According to GAO, federal agencies are primarily focused on two areas of activity related to critical materials supply -- assessing risk and supporting research. In addition, agencies conduct a range of other critical materials-related activities, including stockpiling or producing materials, and reviewing and approving resource extraction projects, among other efforts. GAO states that the federal approach to the supply of critical materials has areas of strength, but is not consistent with selected key practices for interagency collaboration and faces other limitations. According to its charter, the Subcommittee on Critical and Strategic Mineral Supply Chains, co-chaired by OSTP, DOE, and DOI, is to facilitate a strong, coordinated effort across its member agencies on critical materials activities. The Subcommittee’s efforts have not been consistent with selected key practices for interagency collaboration, however, including agreeing on roles and responsibilities; establishing mutually reinforcing or joint strategies; and developing mechanisms to monitor, evaluate, and report on results. By taking steps to actively engage all member agencies in its efforts and clearly define roles and responsibilities, the Subcommittee would have more reasonable assurance that it can effectively marshal the potential contributions of all member agencies to help identify and mitigate critical materials supply risks. Other limitations to the federal approach to addressing critical materials supply include limited engagement with industry and a limited focus on domestic production. For example, GAO states, Commerce is required by law to identify and assess cases of materials needs. Commerce does not solicit information from stakeholders across a range of industrial sectors, however. As a result, Commerce may not have comprehensive, current information across a range of industrial sectors to help it identify and assess materials needs. The report includes the following recommendations:

* The Secretary of Commerce should engage with industry stakeholders and continually identify and assess critical materials needs across a broad range of industrial sectors;
* The OSTP Director, working with the National Science and Technology Council’s Subcommittee on Critical and Strategic Mineral Supply Chains and agency leadership, as appropriate, should agree on and clearly define the roles and responsibilities of member agencies and take steps to actively engage all relevant federal agencies in the Subcommittee’s efforts;
* The OSTP Director, working with the National Science and Technology Council's Subcommittee on Critical and Strategic Mineral Supply Chains and agency leadership, as appropriate, should develop joint strategies that articulate common outcomes and identify contributing agencies’ efforts;
* The OSTP Director, working with the National Science and Technology Council’s Subcommittee on Critical and Strategic Mineral Supply Chains and agency leadership, as appropriate, should develop a mechanism to monitor, evaluate, and periodically report on the progress of member agencies’ efforts;
* The Subcommittee should take the steps necessary to include potentially critical materials beyond minerals, such as developing a plan or strategy for prioritizing additional materials for which actions are needed to address data limitations; and
* The Subcommittee should examine approaches that other countries or regions are taking to see if there are any lessons learned that can be applied to the U.S.

According to Senator Lisa Murkowski (R-AK), Chair of the Senate Energy and Natural Resources Committee, the report confirms her suspicions about federal mismanagement of critical minerals. Murkowski stated: “While I'm pleased that GAO’s findings and recommendations track the contents of the critical minerals legislation that I introduced and included in my bipartisan energy bill, their analysis also underscores that the time to act is now -- before our economy, our competitiveness and our security are harmed.”

**Study Finds Automation At Mines Will Impact Jobs And Tax Revenues**

On October 25, 2016, IISD announced the release of [*Mining a Mirage?*](http://www.iisd.org/library/mining-mirage-reassessing-shared-value-paradigm-light-technological-advances-mining-sector), a new study assessing the latest technological innovations in the mining sector and parsing procurement data from mining companies to estimate the impact of automation on developing and developed countries. The study, conducted by IISD with the Columbia Center on Sustainable Investment and Engineers Without Borders, “suggests that host countries will be increasingly at risk of reduced socioeconomic benefits from mining as existing new technologies are further rolled out in the near and medium terms.” The study analyzed procurement data supplied by two mining companies with annual expenditures exceeding $600 million. One was located in a high-income OECD country, where 91 percent of goods and services procured were local, amounting to 58 percent of total operational expenditures. In the lower-middle-income country operation, only 21 percent of procurement was local, amounting to 12 percent of operational expenditure. The study examined the impacts of three scenarios: 30, 50, and 70 percent reductions in direct employment at the mines studied. These scenarios are in line with a range of recent estimates of the employment impact of automation. The study found:

* The hit to national GDP was significant in the lower-middle-income country: the study found it was cut by a range of just below 2 percent to just below 4 percent in the three scenarios;
* The impact on GDP in the high-income OECD country was negligible;
* Tax revenues associated with the operation dropped 25 to 58 percent in the high-income OECD country, which had higher wages and higher reliance on personal income tax; and
* Tax revenues associated with the operation fell just 6 to 15 percent in the lower-middle-income country case.

IISD’s October 25, 2016, blog item, “[As Mines Become More Automated, What Happens to the Social Licence to Operate?](http://www.iisd.org/blog/mines-become-more-automated-what-happens-social-licence-operate),” states that if, as IISD suggests, “employment and local purchasing become less significant, governments will increasingly turn to taxes and royalties, infrastructure, downstream benefits, equity positions and alternative forms of contracts with mining companies in order to deliver the benefits that they trade for access to their natural resources.”

**President-Elect Trump Pledges To Undo Dodd-Frank Act**

During his campaign, President-Elect Donald Trump pledged to undo the Dodd-Frank Act, “a sprawling and complex piece of legislation that has unleashed hundreds of new rules and several new bureaucratic agencies.” Trump focused on provisions such as the “Volcker Rule,” which bans banks from engaging in their own in-house trading for profits, the requirement that banks draft “living wills,” detailing how they would be easily dissolved should they face collapse, and “orderly liquidation authority,” which gives regulators the ability to step in and wind down an ailing institution. The Trump transition [website](https://www.greatagain.gov/policy/financial-services.html) states: “The Financial Services Policy Implementation team will be working to dismantle the Dodd-Frank Act and replace it with new policies to encourage economic growth and job creation.” The Dodd-Frank Act also requires persons to disclose annually whether any conflict minerals that are necessary to the functionality or production of a product of the person originated in the DRC or an adjoining country and, if so, to provide a report describing, among other matters, the measures taken to exercise due diligence on the source and chain of custody of those minerals. It also requires reporting issuers engaged in the commercial development of oil, natural gas, or minerals to disclose in an annual report certain payments made to the U.S. or a foreign government. Regulations implementing these requirements have already been promulgated. As reported in our September 28, 2016, Update, on September 9, 2016, Representative Job Hensarling (R-TX), Chair of the House Financial Services Committee, introduced the CHOICE Act (H.R. 5983), which would repeal certain sections of the Dodd-Frank Act, including Sections 1502, 1503, and 1504, which concern disclosure requirements related to conflict minerals, mine safety, and extractive industries. Apple Inc., HP Inc., and Intel Corp. intend to continue to work to eliminate conflict minerals from their supply chains, however. A spokesperson for Apple stated: “Apple is deeply committed to the responsible sourcing of materials that go into our products. We do this because it's the right thing to do, not because it’s required by law.”

**MSHA Preparing Rule Concerning Examination Of Working Places In Metal And Non-Metal Mines**

According to an item in MSHA’s Fall 2016 Regulatory Agenda, MSHA intends to promulgate a final rule in **December 2016** that will specify recordkeeping requirements that will facilitate correction of hazardous conditions and alert others at the mine of conditions that may recur or in other ways affect them. On November 18, 2016, MSHA submitted a final rule to OMB for review.

**Gold King Mine Spill**

***DOJ Will Not Prosecute EPA Employee Over Gold King Mine Spill***

On October 12, 2016, EPA’s OIG announced that DOJ has decided not to prosecute an unidentified EPA employee over the 2015 Gold King Mine spill. According to a spokesperson for OIG, the Inspector General urged DOJ to consider criminal charges regarding false statements and CWA violations against one EPA employee. The spokesperson stated: “In lieu of criminal prosecution, the OIG will prepare a Report of Investigation (ROI) for submission to EPA’s senior management for review. The EPA is required to report to the OIG any administrative action taken as a result of the ROI.” According to an October 12, 2016, letter from House Oversight Committee Chair Jason Chaffetz (R-UT) and Natural Resource Committee Chair Rob Bishop (R-UT) to Attorney General Loretta Lynch, DOJ’s decision illustrates law enforcement favoritism for EPA.

***GAO Provides Final Briefing To House Committee***

According to a spokesperson for the House Committee on Natural Resources, the Committee “is still reviewing inconsistencies” in multiple EPA reports about EPA’s response to the Gold King Mine spill. GAO provided an oral briefing to the Committee staff following an inquiry from Representative Bob Bishop (R-UT), Committee Chair. The Committee spokesperson stated that GAO’s inquiry has been overtaken by findings of “various contradictory accounts” from DOI and EPA. On December 9, 2015, the Committee asked GAO to review “the scope, objectivity and thoroughness of” DOI’s report, as well as to answer a number of questions. Since then, EPA has issued various updated accounts of the event that contradict DOI’s Technical Review and a number of documents that the Committee has received since then. A GAO spokesperson stated that the oral briefing to the Committee concludes its work on the spill. The GAO spokesperson stated: “We presented our information, which was limited to a very narrow, descriptive overview. There was no formal GAO written report given the limited scope of what we could cover because of the ongoing EPA Inspector General work. We did not want to duplicate their efforts.”

**MISCELLANEOUS ISSUES**

**ASTM Updates Toy Safety Standard**

ASTM has updated and published a [revised ASTM F963 standard](https://www.astm.org/Standards/F963.htm), F963-2016, which replaces F963-2011. Changes to the standard include clarifications concerning requirements related to heavy elements in the substrate of toys and a new alternate test method for total element content screening. The revised standard:

* Clarifies heavy metal requirements for stickers and printed textiles;
* Provides further details on when a metal extraction test is not required for metal components; and
* Includes an allowance for an alternative test method, HDXRF, for screening of homogenous polymeric substrates.

Under the CPSIA, ASTM F963 is a nationwide mandatory standard. In October 2016, an ASTM spokesperson stated that ASTM would formally submit the revisions to CPSC “shortly.” Once CPSC is notified, according to the ASTM spokesperson, CPSC will have 90 days to reject some or all of the revisions if CPSC concludes they would lessen the level of safety if enacted. If CPSC does not object within 90 days, the new standard will become mandatory 180 days after its receipt by CPSC.

**House Republicans Ask Agencies Not To Promulgate Regulations Until After Inauguration, House Passes Midnight Rules Relief Act**

On November 15, 2016, House Majority Leader Kevin McCarthy (R-CA) and Jeb Hensarling (R-TX), Chair of the House Committee on Financial Services, sent a [letter](https://www.majorityleader.gov/wp-content/uploads/2016/11/Rulemaking-Letter.pdf) to all federal executive branch and independent agencies, departments, and commissions “to caution you against finalizing pending rules or regulations in the Administration’s last days.” According to the letter, “such forbearance is necessary to afford the recently elected Administration and Congress the opportunity to review and give direction concerning pending rulemakings.” The House passed the Midnight Rules Relief Act of 2016 (H.R. 5982) on November 17, 2016, by a vote of 240-179, defeating all amendments offered by Democrats. The bill would amend the CRA to allow Congress to disapprove multiple regulations within the last 60 legislative days of a session during the final year of a president’s term. On November 14, 2016, OMB published a [statement of Administration policy](https://www.whitehouse.gov/sites/default/files/omb/legislative/sap/114/saphr5982r_20161114.pdf), stating that President Obama’s senior advisors would recommend he veto H.R. 5982. According to the statement, the Obama Administration has maintained its normal review standards and instructed agencies to plan and prioritize their regulations to ensure “an orderly review process during the final year of the Administration.” Thus the bill is “intended to solve a problem that does not exist.” The statement notes that the CRA already allows Congress to disapprove of rules on a case-by-case basis. H.R. 5982 would expand the scope of rules subject to the CRA “such that by the time a vote on a resolution occurs, some of the rules may have been in effect for over a year.” H.R. 5982 “would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society.” During a November 14, 2016, press conference, Obama stated: “My instructions to my team are that we run through the tape, we make sure that we finish what we started, that we don’t let up in these last couple of months.”

**EPA And OSHA Preparing IST Guidance**

During an October 24, 2016, webinar on “Improving Chemical Facility Safety and Security, EPA and OSHA representatives stated that they plan to issue soon guidance to assist facilities in assessing whether IST would reduce the risks of facility accidents and worker injuries. The guidance would expand on EPA and OSHA’s June 2015 alert supporting voluntary use of IST to reduce facility risks. According to the representatives, the guidance will provide more practical examples of substitute chemicals or processes. A coalition of labor and environmental groups has repeatedly urged that use of IST be required, rather than voluntary.

**OSHA Informally Discusses HCS Rulemaking, Includes Item In Unified Agenda**

OSHA states it is beginning its rulemaking efforts to maintain alignment of the HCS with the most recent revision of the GHS. On November 16, 2016, OSHA conducted a public meeting to request feedback from stakeholders and informally discuss potential topics or issues that OSHA should consider during a rulemaking to update the HCS. OSHA also solicited suggestions about the types of publications stakeholders might find helpful in complying with the HCS and topics on which they would like OSHA to prepare additional compliance materials in the future. According to an item in the Fall 2016 Unified Agenda, while OSHA incorporated the GHS into the HCS in March 2012, the GHS is a living document and has been updated several times since OSHA’s rulemaking. OSHA’s rulemaking was based on the third edition of the GHS and the UN recently completed the sixth. The latest edition contains additional hazard categories that OSHA may add, desensitized explosives and pyrophoric gases, to maintain alignment with the GHS and other countries that have adopted the GHS. OSHA states that it would implement such changes via rulemaking. OSHA intends to issue an NPRM in **October 2017**.

**STATE ISSUES**

***California***

**CDTSC Seeks Collaboration On Next Round Of Priority Products**

On November 15, 2016, CDTSC held a [webinar](http://www.dtsc.ca.gov/SCP/Workshops.cfm) to kick off its stakeholder engagement for implementing the Priority Product Work Plan. The webinar provided an overview of CDTSC’s progress towards Priority Product selection and outline opportunities for input. The three topics were:

* Potential Aquatic Impacts and Continued Uses of Nonylphenol Ethoxylates and Triclosan;
* Nail Salon Products and Chemicals; and
* PFASs in Carpets, Rugs, Upholstered Furniture, and their Care and Treatment Products.

[Comments](https://calsafer.dtsc.ca.gov/comments/searchpackages.aspx) on the Potential Aquatic Impacts and Continued Uses of Nonylphenol Ethoxylates and Triclosan and the Nail Salon Products and Chemicals topics are due **February 28, 2017**. Comments on the PFASs in Carpets, Rugs, Upholstered Furniture, and their Care and Treatment Products topic are due **December 30, 2016**.

***New Jersey***

**Bill Would Prohibit Sale Of Certain Children’s Products Containing Cadmium**

On October 7, 2016, S. 2646 was introduced in the Senate. The bill would prohibit the sale of certain children’s products containing lead, mercury, or **cadmium**. “Children’s product” would be defined as a product, including a toy or play equipment, that is intended solely or primarily for the care of, or use by, a child, or to come into contact with a child while the product is being used. The bill would prohibit the sale, distribution, import, and manufacture of any children’s product intended for use by a child under the age of six years containing, composed of, or made with lead, mercury, or **cadmium**. The bill was referred to the Senate Health, Human Services, and Senior Citizens Committee. The bill is identical to A. 731, which was introduced in the Assembly on January 27, 2016.

***New York***

**Coalition Seeks Stay Of Suffolk County’s Toxic Free Toys Act**

The Safe to Play Coalition filed suit on October 14, 2016, in the U.S. District Court for the Eastern District of New York against Suffolk County, alleging violations of state and federal law. The Coalition, which consists of the American Apparel and Footwear Association Inc., Halloween Industry Association Inc., Juvenile Products Manufacturers Association Inc., and Toy Industry Association, Inc., claims that its members will suffer economic damages due to the Toxic Free Toys Act. Under the Act, retailers may not knowingly distribute, sell, or offer for sale a children’s product containing certain heavy metals -- lead, mercury, antimony, arsenic, cobalt, and **cadmium** -- above specified levels. The Coalition asks the court to declare that the Toxic Free Toys Act violates the supremacy clause and the New York Constitution, and issue an injunction against Suffolk County and its officials. The Act is scheduled to take effect **December 1, 2016**.

***Oregon***

**OHA Proposes Rule Regarding Manufacturer Disclosure Requirements Under Toxic Free Kids Act**

Under the Toxic Free Kids Act, Oregon will require manufacturers of children’s products sold in Oregon to report products that contain one or more high priority chemicals of concern for children’s health, and ultimately remove these chemicals or seek a waiver. In September 2016, OHA published a [proposed rule](https://public.health.oregon.gov/HealthyEnvironments/HealthyNeighborhoods/ToxicSubstances/Pages/Toxic-Free-Rules.aspx) concerning manufacturer disclosure of high priority chemicals of concern for children’s health used in children’s products. Under the Act, 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**, and OHA’s web page, “[Chemicals of Concern for Children’s Health](https://public.health.oregon.gov/HealthyEnvironments/HealthyNeighborhoods/ToxicSubstances/Pages/childrens-chemicals-of-concern.aspx),” includes **cadmium** and **cadmium compounds** on the list of high priority chemicals of concern for children’s health. On October 18, 2016, OHA held a public hearing on the proposed rule. Comments were due October 31, 2016.

**ODEQ Adopts Permanent Rule For Colored Art Glass Manufacturers**

On October 3, 2016, ODEQ filed a [permanent art glass rule](http://arcweb.sos.state.or.us/pages/rules/bulletin/1116_bulletin/1116_ch340_bulletin.html), which immediately took effect. The ODEQ states that based on monitoring, it concluded that uncontrolled furnaces used in such colored art glass manufacturing may emit potentially unsafe levels of certain metals, including arsenic, **cadmium**, hexavalent chromium, and nickel. The rulemaking is intended to protect the public health and the environment by ensuring the air emissions from colored art glass manufacturing do not cause unsafe levels of metals emissions in the air nearby.

***Vermont***

**VDOH Posts Chemical Disclosure Program Guidance For Manufacturers**

VDOH has posted an October 2016 [*Chemical Disclosure Program Guidance Document*](http://healthvermont.gov/enviro/chemical/documents/chemical_disclosure_program_manufacturer_guidance.pdf). The Guidance provides information to the manufacturers responsible for reporting to VDOH as required by the rule regarding chemicals of high concern to children. The Guidance defines and explains key terms and concepts relating to the statute and rule. The list of chemicals of high concern to children includes **cadmium** and **cadmium compounds**. Chemicals that are intentionally added to a product must be reported when present above the PQL for that chemical. The [PQL](http://healthvermont.gov/enviro/chemical/documents/PQL.pdf) for **cadmium** and **cadmium compounds** is 1.0 ppm. The Guidance document states that VDOH will review the list of chemicals of high concern to children every two years, beginning in **2017**.

***Washington***

**WDOE Updating Children’s Safe Products Reporting Rule, Chemical Evaluations Available For Comment**

WDOE announced on August 16, 2016, that it is updating the Children’s Safe Products Reporting Rule to:

* Update the language and list of chemicals of high concern to children after five years of implementation;
* Evaluate the flame retardants identified in the 2016 amendment to the Children’s Safe Products Act; and
* Respond to stakeholder comments on the language and list of chemicals of high concern to children.

WDOE may propose amending the Children’s Safe Products Reporting Rule to update the list of chemicals of high concern to children by adding or removing chemicals from the list. [Preliminary draft rule language](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/pdfs/WAC173-334edited10032016.pdf) and a [list of chemicals under consideration](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/pdfs/CSPAchemicals.pdf) were discussed at an October 25, 2016, [public workshop](https://wadismeetings.webex.com/ec3100/eventcenter/recording/recordAction.do?theAction=poprecord&siteurl=wadismeetings&entappname=url3100&internalRecordTicket=4832534b0000000293328962563bfbb2d4aa61f5c9016ee5fe7faf2ae98d9537cad9a5b77d6088af&renewticket=0&isurlact=true&format=short&rnd=7860511249&RCID=c5f00a6090c762489bb65e24d7268876&rID=111293062&needFilter=false&recordID=111293062&apiname=lsr.php&AT=pb&actappname=ec3100&&SP=EC&entactname=%2FnbrRecordingURL.do&actname=%2Feventcenter%2Fframe%2Fg.do). The list of chemicals under consideration does not include **cadmium** or **cadmium compounds**. WDOE posted the [presentation slides](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/pdfs/CSPARulePresentationOct2016.pdf) and workshop [Q&As](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/pdfs/WorkshopQA.pdf). WDOE has posted a [timeline](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/1608time.html) that includes the following steps:

* **November 2016** -- Revise proposed Rule language and list of chemicals of high concern to children;
* Estimated **early December 2016** or **early January 2017** -- Hold public stakeholder meeting and review revised proposed language and list of chemicals of high concern to children. Time and place to be determined;
* **January 2017** -- Prepare final proposed Rule language and list of chemicals of high concern to children;
* **Spring 2017** -- Propose Rule (file the CR-102 form) and start public comment period with Rule text and supporting documents;
* **Spring 2017** -- Hold public hearing(s). Time and place to be determined;
* **Summer 2017** -- End public comment period (seven days after last hearing);
* **Summer 2017** -- Review public comments;
* **Summer 2017** -- Prepare adoption packet;
* **Fall 2017** -- Adopt Rule (file the CR-103 form); and
* **Fall 2017** -- Rule effective (usually 31 days after filing).

WDOE has posted a [list of chemical evaluations](http://www.ecy.wa.gov/programs/hwtr/laws_rules/CSP_ReportingRule/1608chemeval.html) available for public review and comment. Comments were due November 14, 2016.

**NGO Analyzes Data Submitted Under Children’s Safe Products Act, Claims Toxic Chemicals Remain In Children’s Products**

On October 12, 2016, Toxic-Free Future [released](https://toxicfreefuture.org/toxic-chemicals-remain-in-childrens-products/) its analysis of data submitted to WDOE under the Children’s Safe Products Act, concluding that “kids’ products sold in Washington state still contain far too many toxic chemicals.” According to the NGO, two manufacturers -- MGA Little Tikes and Dollar Tree (Greenbrier International) -- “may be violating a state law that limits **cadmium** in kids’ toys to 40 ppm. **Cadmium** can remain in the body for a very long time and can harm developing brains and bodies.” The NGO states:

* MGA Little Tikes reports **cadmium** at between 100 ppm and 500 ppm in non-motorized ride-on toys; and
* Dollar Tree (Greenbrier International) reports **cadmium** in textiles of toys and games variety pack.

According to the NGO, these reports “should prompt state and federal agencies to investigate, and if warranted, take action against companies exceeding state limits for **cadmium**.”

**INTERNATIONAL ISSUES**

**CANADA**

**Canada Releases Phase One WHMIS 2015 Technical Guidance On Supplier Requirements**

According to the Health Canada web page, “[Technical Guidance on the Requirements of the Hazardous Products Act (HPA) and the Hazardous Products Regulations (HPR) -- WHMIS 2015 Supplier Requirements -- Phase 1](http://www.hc-sc.gc.ca/ewh-semt/pubs/occup-travail/technical-guidance-whmis-2015-guide-technique-simdut/index-eng.php),” Health Canada intends to release technical guidance in two phases in advance of the **June 2017** deadline for manufacturers and importers to comply with the requirements of the WHMIS 2015. Health Canada states that phase one of the technical guidance, which is available upon request, focuses on classification principles, hazard communication, and CBI. The document is intended to provide guidance on HPA and HPR requirements to suppliers of hazardous products destined for Canadian workplaces. This document also provides suppliers with information on HMIRA, its regulations, and the mechanism to protect CBI. Phase two will focus on physical hazard and health hazard classification and is expected to be released in **fall 2016**.

**Health Canada Could Publish WHMIS 2015 Classifications Online**

Health Canada recently held a public consultation on a proposal to publish WHMIS 2015 classifications for those chemical substances reviewed by Health Canada, as part of its work to verify SDS compliance. For each substance Health Canada assesses against the Hazardous Products Regulations, Health Canada would publish:

* The CAS number of the substance;
* The WHMIS 2015 classification(s); and
* The date the public literature was last searched for information on the substance.

The published information would be intended primarily for Canadian suppliers of hazardous products looking for resources to help in the preparation of an SDS for their hazardous product(s). According to Health Canada, the published information could also be useful to Hazardous Products Act inspectors reviewing product SDSs for compliance at a worksite, and to workers who are interested in the classification of a product they use in their workplace. Suppliers would not be bound by the published classifications, but “the publication would represent Health Canada’s opinion on the appropriate classification for a substance, and as such, suppliers should be prepared to support any deviation from the published classification.” Health Canada intended to share the proposal with all companies that have an active claim with Health Canada, with WHMIS stakeholders as represented by the Current Issues Committee, and with U.S. OSHA, as part of the ongoing commitment to regulatory cooperation between Canada and the U.S. Comments were due September 13, 2016.

**CHINA**

**NHFPC Publishes Mandatory National Standards For Food Contact Materials And Additives**

NHFPC [published](http://www.nhfpc.gov.cn/sps/s7891/201611/06ed87a09dad4cf6aee48cd89efbef35.shtml) 53 mandatory national standards for food contact materials and additives. All previous food contact regulations and standards have been revised, consolidated, or otherwise changed. GB 4806.1-2001 on general requirements and GB 9685-2016 on the use of additives for food contact materials and products will come into force on **October 19, 2017**. The changes to GB 4806.1 include:

* The definition of food contact materials has expanded to include lubricants;
* The definition of “unintentionally added” is revised; and
* There is a new requirement for the declaration of compliance and the labeling of food contact.

The changes to GB 9685 include:

* The list of positive food contact additives has increased from 958 to 1,294; and
* The definition of the specific total migration limit is revised.

The other 51 national food safety standards include:

* GB 4806.3-2016 for enamel products;
* GB 4806.4-2016 for ceramic products;
* GB 4806.5-2016 for glass products;
* GB 4806.6-2016 concerning plastic resins for food contact use;
* GB 4806.7-2016 concerning plastic materials and articles for food contact use;
* GB 4806.8-2016 concerning paper and board materials and products for food contact use;
* GB 4806.9-2016 concerning metallic materials and articles for food contact use;
* GB 4806.10-2016 concerning paints and coatings for food contact use;
* GB 4806.11-2016 concerning rubber materials and products for food contact use;
* GB 5009.156-2016 concerning general principles of pre-treatment methods for migration test of food contact materials and products; and
* GB 31604.49-2016 regarding the “determination of arsenic, **cadmium**, chromium and lead; and determination of arsenic, **cadmium**, chromium, nickel, lead, antimony and zinc in food contact materials and articles.”

**HONG KONG**

**Revision To Regulations Concerning Metals In Food Planned For 2017**

On October 5, 2016, CFS held a meeting of the Trade Consultation Forum. The Food Adulteration (Metallic Contamination) Regulations, Cap. 132V regulate the level of metallic contaminants in food and prescribe the maximum permitted concentration of seven specified metals present in specific food types. The specified metals are antimony, arsenic, **cadmium**, chromium, lead, mercury, and tin. During the Trade Consultation Forum meeting, the Chair of the Forum stated that revision of the regulations on heavy metals is one of its priorities. A public consultation on the revision is planned for **2017**. According to the [meeting notes](file:///C%3A%5CUsers%5CMGilles%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C7VXLKXF7%5CFood%20Adulteration%20%28Metallic%20Contamination%29), a trade representative asked whether there would be any revision to the regulation of **cadmium** in food products. The Chair responded that seven heavy metals, including **cadmium**, are currently regulated. The meeting notes state: “The issue of **cadmium**, together with other heavy metals, would be considered in the coming revision exercise.”

**Excessive Cadmium Found In Imported Crab**

CFS [announced](http://www.cfs.gov.hk/english/press/20161004_0649.html) on October 4, 2016, that six samples of imported crabs were detected with excessive **cadmium**, and that the trade should stop using or selling the affected batches of the products immediately. A CFS spokesperson stated: “In view of the detection of excessive **cadmium** in two imported brown crab samples in August last year, the CFS conducted a targeted surveillance on metallic contaminants in crabs recently. A total of 24 crab samples were collected from the local market for testing of antimony, arsenic, **cadmium**, chromium, lead, mercury and tin. The levels of **cadmium** detected in six crab samples, collected at import level and retail outlets in Mong Kok, Causeway Bay, Lai Chi Kok and Tsuen Wan respectively, were found to exceed the legal limit of two parts per million (ppm).” On October 14, 2016, CFS [announced](http://www.cfs.gov.hk/english/press/20161014_0657.html) that an imported cooked snow crab sample was detected with excessive **cadmium**. A CFS spokesperson stated: “Subsequent to announcing that crab samples collected at several retail outlets were detected with excessive **cadmium** earlier, the CFS further found a crab sample of the same kind collected from one of the outlets containing **cadmium** at a level of 8.1 parts per million (ppm), exceeding the legal limit of 2ppm.” CFS states that it intends to follow up on the incidents and take appropriate actions to safeguard food safety and public health. Investigation is ongoing.

**INDIA**

**Study Finds Traces Of Heavy Metals, Including Cadmium, In PET Bottles**

A study commissioned by the Ministry of Health and Family Welfare’s Drugs Technical Advisory Board found traces of heavy metals, including **cadmium**, in samples of PET bottles used for packaging aerated drinks and pharmaceutical products. Samples of Sprite, Mountain Dew, 7UP, Pepsi, and Coca-Cola were tested. The leaching of toxins from the PET bottles increased with room temperature. A spokesperson for PepsiCo India stated: “These reports are completely unsubstantiated. Having said that, we would like to emphatically reiterate that our products comply with the permissible limits for heavy metals as laid down by the food safety and standards regulations in India.” According to a spokesperson for Coca-Cola India, the company has not received any communication from the government.

**TAIWAN**

**Temporary Regulations Will Create New Bureau On Toxic Substances And Chemical Regulation, Cabinet Approves Proposal**

On October 5, 2016, Taiwan EPA promulgated temporary regulations to create a new bureau on toxic substances and chemical regulation by **January 1, 2017**. The bureau’s operations will be divided into four departments: overall planning; assessment and regulation; crisis management; and auditing and information. The bureau’s duties will include forming, implementing, and enforcing policies on chemical substance regulation, toxic substance regulation, chemical accidents and emergency response, and environmental agent regulation. The bureau will also promote the integration and use of chemical information; technological advances related to toxic chemical regulation; and international cooperation on chemical substance regulation. According to Taiwan EPA Vice Minister Chan Shun-kuei, the current legislative session will first review and approve the budget for the central government before passing significant new legislation. To submit the **2017** budget for the new bureau for legislative review, Taiwan EPA first needed to promulgate temporary regulations. Chan stated that the temporary regulations will be in effect only until the legislature approves a draft law for the bureau and the law is signed by President Tsai. On November 3, 2016, the Cabinet approved a draft bill, Organization Rules of the Bureau for Toxics and Chemical Substances, which would establish the bureau. The Taiwan legislature is expected to pass the bill.

**THAILAND**

**Deadline Approaches To Nominate Chemicals To Preliminary Inventory Of Existing Chemicals**

As reported in Acta EU®’s November 18, 2016, memorandum, “[Deadline Approaches to Nominate Chemicals to Thailand’s Inventory of Existing Chemicals](http://www.actagroup.com/regulatory-developments/entry/deadline-approaches-to-nominate-chemicals-to-thailands-inventory-of-existin),” the first stage nomination deadline for chemicals not listed on the preliminary inventory of existing chemicals ([Preliminary of Thailand Existing Chemicals Inventory](http://haz3.diw.go.th/invhaz/)) is **December 31, 2016**. The nomination of additional substances can be electronically accomplished through a portal maintained by DIW or through direct consultation with DIW. DIW expects to publish a final Thailand Existing Chemicals Inventory in **2017**. Chemicals not listed on the final Existing Chemicals Inventory would be considered new chemicals. More information is available, in Thai, on [DIW’s website](http://haz3.diw.go.th/invhaz/).

**VIETNAM**

**Vietnam Publishes Draft National Chemicals Inventory**

In September 2016, MOIT published a [draft National Chemicals Inventory](http://www.lawbc.com/uploads/docs/draftvietnam.pdf) for public comment. The draft Inventory includes over 3,000 chemicals, including **cadmium sulfide**, **cadmium**, **cadmium dinitrate tetrahydrate**, **cadmium chloride**, and **cadmium sulphate**. After MOIT issues a final National Chemicals Inventory, chemicals not listed will be considered new, and companies will be required to perform an assessment and register the new chemical before import or manufacture. Comments were due October 30, 2016. More consultations may be held in the future.

\* \* \* \* \*

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

## ACRONYMS

**Acta EU** -- The Acta Group EU, Ltd

**ASTM** -- ASTM International

**CAS** -- Chemical Abstracts Service

**CBI** -- Confidential Business Information

**CDR** -- Chemical Data Reporting

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

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

**CFS** -- Center for Food Safety

**CHOICE** -- Financial Creating Hope and Opportunity for Investors, Consumers, and Entrepreneurs

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

**CPSIA** -- Consumer Product Safety Improvement Act

**CRA** -- Congressional Review Act

**CWA** -- Clean Water Act

**DecaBDE** -- Decabromodiphenyl Ethers

**DIW** -- Department of Industrial Works

**DOE** -- Department of Energy

**DOI** -- Department of the Interior

**DOJ** -- Department of Justice

**DRC** -- Democratic Republic of the Congo

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

**GAO** -- United States Government Accountability Office

**GDP** -- Gross Domestic Product

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

**HCBD** -- Hexachlorobutadiene

**HCS** -- Hazard Communication Standard

**HMIRA** -- Hazardous Materials Information Review Act

**HPA** -- Hazardous Products Act

**HPR** -- Hazardous Products Regulations

**ICdA** -- International Cadmium Association

**IISD** -- International Institute for Sustainable Development

**IST** -- Inherently Safer Technologies

**MOIT** -- Ministry of Industry and Trade

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

**NGO** -- Non-Governmental Organization

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

**NPRM** -- Notice of Proposed Rulemaking

**ODEQ** -- Oregon Department of Environmental Quality

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

**OHA** -- Oregon Health Authority

**OIG** -- Office of Inspector General

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

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

**OSTP** -- Office of Science and Technology Policy

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

**PCTP** -- Pentachlorothio-phenol

**PET** -- Polyethylene Terephthalate

**PFAS** -- Perfluoroalkyl and Polyfluoroalkyl Substances

**ppm** -- Part Per Million

**PQL** -- Practical Quantitation Limit

**Q&A** -- Question and Answer

**SBREFA** -- Small Business Regulatory Enforcement Fairness Act

**SDS** -- Safety Data Sheet

**SDWA** -- Safe Drinking Water Act

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

**TSCA** -- Toxic Substances Control Act

**UN** -- United Nations

**VDOH** -- Vermont Department of Health

**WDOE** -- Washington Department of Ecology

**WHMIS 2015** -- Workplace Hazardous Materials Information System, as amended on February 11, 2015

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)