#### THE INTERNATIONAL CADMIUM ASSOCIATION

**REGULATORY UPDATE**

**September 28, 2019**[[1]](#footnote-1)

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**FEDERAL ISSUES**

**MINING AND MINERAL ISSUES**

**NIOSH Publishes One-Pager On Mining Program**

On September 20, 2019, NIOSH published a [one-pager](https://www.cdc.gov/niosh/docs/2019-172/pdfs/2019-172.pdf?id=10.26616/NIOSHPUB2019172) on its Mining Program. The NIOSH Mining Program works with partners in industry, labor, trade associations, professional organizations, government, and academia. The program focuses on these areas:

* Reducing exposures to harmful mine dusts, airborne pollutants, heat, noise, and repetitive motion;
* Preventing injuries and fatalities from machinery, rock falls, materials handling, slips, trips, and falls, and other mining workplace hazards; and
* Improving the likelihood of rescue and miner survivability if disaster strikes.

Upcoming activities include releasing ground support design software for underground metal mines to calculate safety factors more efficiently.

**TRADE ISSUES**

**USTR Proposes To Increase Tariffs To 30 Percent**

On September 3, 2019, USTR published a [*Federal Register* notice](https://www.federalregister.gov/documents/2019/09/03/2019-18946/request-for-comments-concerning-proposed-modification-of-action-pursuant-to-section-301-chinas-acts) proposing to modify the action being taken in its investigation by increasing the rate of additional duty from 25 percent to 30 percent on the products of China currently subject to tariff actions first taken in June, August, and September 2018, with an aggregate annual trade value of approximately $250 billion. As reported in our September 28, 2018, Update, the final list of products covered by the [September 2018 action](https://ustr.gov/about-us/policy-offices/press-office/press-releases/2018/september/ustr-finalizes-tariffs-200) includes the following **cadmium** products:

| **HTSUS Subheading** | **Product Description** |
| --- | --- |
| 2620.91.00 | Ash and residues (other than from the manufacture of iron or steel), containing antimony, beryllium, **cadmium**, chromium, or their mixtures |
| 2825.90.75 | **Cadmium oxide** |
| 2830.90.20 | **Cadmium sulfide** |
| 8107.20.00 | **Cadmium, unwrought; cadmium powders** |
| 8107.30.00 | **Cadmium waste and scrap** |
| 8107.90.00 | **Cadmium, articles thereof nesoi** |
| 8507.30.40 | **Nickel-cadmium storage batteries**, of a kind used as the primary source of electrical power for electrically powered vehicles of 8703.90 |

Comments on the proposed modification were due September 20, 2019. The proposed modification would be effective on **October 1, 2019**.

**TSCA ISSUES**

**EPA Publishes Proposed Designations For Low-Priority And High-Priority Substances For Risk Evaluation Under TSCA; Cadmium Not Included**

On August 15, 2019, EPA published a [*Federal Register* notice](https://www.federalregister.gov/documents/2019/08/15/2019-17558/proposed-low-priority-substance-designation-under-the-toxic-substances-control-act-tsca-notice-of) proposing to designate 20 chemical substances as low-priority substances for which risk evaluation TSCA is not warranted at this time. EPA provides a summary of the approach it used to support the proposed designations, the proposed designations for each of the chemical substances, and instructions on how to access the chemical-specific information, analysis, and basis used by EPA to make the proposed designation for each chemical substance. Comments on the proposed low-priority designations are due **November 13, 2019**. More information is available in B&C®’s August 14, 2019, memorandum, “[EPA Proposes to Designate 20 Chemical Substances as Low-Priority Substances](https://www.lawbc.com/regulatory-developments/entry/epa-proposes-to-designate-20-chemical-substances-as-low-priority-substances).”

EPA published a [*Federal Register notice*](https://www.federalregister.gov/documents/2019/08/23/2019-18134/proposed-high-priority-substance-designations-under-the-toxic-substances-control-act-tsca-notice-of) on August 23, 2019, proposing to designate 20 chemical substances as high-priority substances for risk evaluation. The notice and supporting docket materials identify the proposed designation for each of the chemical substances and instructions on how to access the chemical-specific information, analysis, and basis used by EPA to support the proposed designation for each chemical substance. Comments on the proposed high-priority designations are due **November 21, 2019**. More information is available in B&C’s August 26, 2019, memorandum, “[EPA Proposes to Designate 20 Chemical Substances as High-Priority Substances for Risk Evaluation under TSCA](https://www.lawbc.com/regulatory-developments/entry/epa-proposes-to-designate-20-chemical-substances-as-high-priority-substance).”

By **December 22, 2019**, EPA must have designated at least 20 chemical substances as high-priority and 20 chemical substances as low-priority. TSCA further requires that upon completion of a risk evaluation (other than those requested by a manufacturer), EPA must designate at least one additional high-priority chemical to take its place. As reported in our November 28, 2018, Update, on September 28, 2018, EPA [released](https://www.epa.gov/newsreleases/epa-takes-first-steps-identifying-next-group-chemicals-risk-evaluation-under-tsca) the approach it will use to identify chemicals that could be included in the next group of risk evaluations under TSCA. EPA opened [73 chemical-specific public dockets](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/submitting-information-tsca-work-plan-chemicals-inform), one for each of the remaining chemicals on the 2014 TSCA Work Plan, as well as a general docket to suggest chemicals for risk evaluation that are not on the Work Plan. **Cadmium** and **cadmium compounds** are included in the 2014 TSCA Work Plan, and the docket for **cadmium** and **cadmium compounds** is [Docket ID EPA-HQ-OPPT-2018-0479](https://www.regulations.gov/docket?D=EPA-HQ-OPPT-2018-0479). Information should be submitted to the chemical-specific dockets by **December 1, 2019**.

**B&C-Authored Article “Protecting The Value Of Health, Safety Studies -- Emerging TSCA Issues” Published In *Bloomberg Environment Insights***

The cost of generating health and safety studies is considerable and data owners have every right to expect some protection from disclosure to preserve the value of their intellectual property. This is no longer guaranteed as Lynn L. Bergeson, Richard E. Engler, Ph.D., and Kathleen M. Roberts wrote in a two-part [article](https://www.lawbc.com/uploads/docs/00278655.pdf) in *Bloomberg Environment Insights*. The authors propose that EPA’s practice of disclosing entire health and safety studies voluntarily submitted under TSCA Section 6 is based upon a misinterpretation of TSCA Section 14(b)(2)(A)(i) and should be reconsidered in light of a recent judicial decision and the pressing need to acknowledge the global relevance of health and safety studies.

**MISCELLANEOUS ISSUES**

**CDC Denies Petition To Add Endometrial Cancer To List Of WTC-Related Health Conditions**

CDC published a [*Federal Register* notice](https://www.federalregister.gov/documents/2019/09/24/2019-20364/world-trade-center-health-program-petition-023-uterine-cancer-including-endometrial-cancer-finding) on September 24, 2019, announcing that the Administrator of the WTC Health Program is denying a petition to add endometrial cancer to the List of WTC-Related Health Conditions. According to the notice, the Administrator determined that the available evidence does not have the potential to provide a basis for a decision on whether to add the major site uterine cancer, including its subtype, endometrial cancer, to the List. The notice states:

On April 23, 2019, the Administrator received a petition (Petition 023) requesting the addition of “endometrial cancer” to the List. The petition included a 2002 study by Lioy *et al*. and a 2017 study by McElroy *et al*. which together provided sufficient medical basis for the petition to be considered valid because they demonstrate the presence of 9/11 agents, including **cadmium**, at the WTC site and that **cadmium** exposure is associated with a statistically significant increase in endometrial cancer risk. However, because neither Lioy *et al*. [2002] nor McElroy *et al*. [2017] is a peer-reviewed, published, epidemiologic study of endometrial cancer (or the major site, uterine cancer) in a 9/11-exposed population, neither study is considered relevant nor are they further reviewed in this action.

**STATE ISSUES**

***California***

**Biomonitoring California Publishes New Results From Studies In The San Francisco Bay Area**

On August 7, 2019, Biomonitoring California announced new results from the ACE Project. There were two phases of this study: [ACE 1](https://biomonitoring.ca.gov/projects/asianpacific-islander-community-exposures-ace-project-ace-1), primarily in San Francisco, with adult participants of Chinese descent; and [ACE 2](http://r20.rs6.net/tn.jsp?f=001DsMSxewbKO0MycE0PjxK5HkngSqrfVOt5Obfy84wrgqwDUoOj719CHjSi8wTCg2YV6MNbdrKsLVJMEdYbXsSvuOxnVahgGlOiNbmdtWykYA597jFyV0IzTXDxViWDzBBj5rCF8eWN3ZoFEGFkEEBEGZ0tEshCzTMN_cYE7baBP9YuNNPQv5nicNWlNm5opeDMZg6kKAq1VCEuCdl4YCS9w24NAwsPwRWx49To1xpy0BICsAmbJYKJcnLZWh7momL49t730mhZJLWd3Ii3cDEIA==&c=awGYKeZnQ74fbVWSag5rd8aFG3H5DzFNKXKiPqdDHfpJOtc2177uQQ==&ch=apLGvGWKpJLeSxSGJMhS5SxzAFl-YkJuMdMKz7qo02dazXxH9lNq-Q==), primarily in San Jose, with adult participants of Vietnamese descent. Participants were biomonitored for four metals, including **cadmium**, and 32 PFASs. According to Biomonitoring California, some key findings based on data analyses conducted so far include:

* Arsenic, lead, and mercury were found in all ACE 1 and ACE 2 participants, while **cadmium** was found in more than 97 percent of participants;
* Compared to the U.S. adult population, ACE participants had elevated levels of **cadmium**, lead, and mercury in blood, and arsenic in urine;
* The percentage of ACE 2 participants with metal levels above an LOC was the highest of any Biomonitoring California study. For example, 53 percent of ACE 2 participants had at least one metal level that exceeded an LOC, compared with only 17 percent of participants in the Biomonitoring Exposures Study, an earlier study of Central Valley residents;
* PFASs were frequently detected: PFOA, PFOS, PFHxS, PFNA, and PFUA were found in more than 98 percent of ACE participants; and
* Levels of PFOS, PFNA, and PFUA were higher in ACE participants than in the U.S. adult population.

Biomonitoring California states that it will continue to analyze study results and develop publications and presentations with more information.

**Bill Amending Toxics In Packaging Prevention Act Awaits Governor’s Signature**

The Assembly passed a bill (S.B. 232) on September 3, 2019, that would amend the Toxics in Packaging Prevention Act. The Act prohibits a person from offering for sale or for promotional purposes a package, packaging component, or product in a package if the sum of the incidental total concentration levels of all regulated metals, defined as lead, **cadmium**, mercury, or hexavalent chromium, present in a single-component package or in an individual packaging component exceeds 100 ppm by weight. The bill would amend the Act to exempt from that prohibition a glass package or packaging component that would not exceed that maximum regulated metal concentration level but for the addition of recycled material, provided that the sum of the incidental total concentration levels of all regulated metals present in the glass package or packaging component does not exceed 200 ppm by weight. The exemption would be repealed on **January 1, 2024**. The Senate passed the bill on September 4, 2019. Governor Gavin Newsom (D) has until **October 13, 2019**, to sign the bill.

**Legislature Passes Bill Reducing Cadmium Limit For Surface Coatings On Children’s Jewelry**

On September 10, 2019, the Assembly passed S.B. 647, which would amend existing provisions relating to the materials authorized to be used to make jewelry and children’s jewelry. The bill would, on and after **June 1, 2020**, reduce the **cadmium** limit for surface coatings on children’s jewelry to 0.0075% of soluble **cadmium** by weight, as provided. The bill would revise the definition of “children” to mean persons under 15 years of age. The Senate passed the bill on September 11, 2019. Governor Gavin Newsom (D) has until **October 13, 2019**, to sign the bill.

***Minnesota***

**MDH Will Use CDC Grant To Expand Biomonitoring Program Measuring Children’s Exposures**

On July 29, 2019, MDH issued a [press release](https://www.health.state.mn.us/news/pressrel/2019/biomonitoring072919.html) announcing that it won a cooperative grant from CDC that will allow Minnesota to expand its biomonitoring program for measuring children’s exposures to chemicals of concern. According to the press release, the new grant “will help accelerate efforts to protect children from exposure to harmful chemicals.” Using CDC methods and technical support, MDH will test participants’ urine for different chemicals that may affect child development, including:

* Metals found in drinking water, air pollution, and some foods and products;
* Pesticides used to control pests in agriculture and around the home;
* Phthalates found in personal care products, toys, and some foods; and
* Flame retardants found in household products like furniture and toys.

The Toxic Free Kids Act, passed in 2009, required MDH to create a list of chemicals of high concern and a list of priority chemicals. MDH must review and revise the list of chemicals of high concern at least every three years. The [2019 list of chemicals of high concern](https://www.health.state.mn.us/communities/environment/childenvhealth/tfka/highconcern.html) includes **cadmium oxide**; **cadmium sulphide**; **cadmium**; **cadmium chloride**; **cadmium sulphate**; and **cadmium hydroxide**.

***New Jersey***

**Bill Introduced To Require NJDEP To Publish List Of Dangerous Chemicals And Chemicals Of Concern**

A.B. 5723, introduced on August 23, 2019, would require NJDEP to post a list of dangerous chemicals and a list of chemicals of concern on its website. The bill would require manufacturers of certain children’s products to report their use of dangerous chemicals or chemicals of concern and would eventually prohibit the sale of children’s products containing dangerous chemicals. **Cadmium** and **cadmium compounds** would be listed as chemicals of concern. **Cadmium** would be listed as a dangerous chemical.

***Vermont***

**Vermont Amends Rule Regarding Chemicals Of High Concern In Children’s Products**

Vermont recently amended the Chemicals of High Concern in Children’s Products Rule. The amendment, which took effect August 15, 2019, includes the following provisions:

* Adds 20 chemicals to the list of chemicals of high concern to children;
* Establishes a process and procedure on how to add or remove a chemical from the list;
* Allows the Commissioner of Health to adopt rules to regulate the sale or distribution of a children’s product containing a listed chemical depending on the degree and frequency of exposure to children;
* Revises the reporting frequency from biennially to annually after the next reporting date, *i.e*. reporting on or before **August 31, 2020**, will be for products offered for sale between September 1, 2018, and **August 31, 2020**; and
* Requires Universal Product Code be included in the disclosure notice if the product has such a code.

The list of chemicals of high concern to children includes **cadmium** and **cadmium compounds**.

***Washington***

**WDOE Transitioning To IC2 High Priority Chemicals Data System**

WDOE notified industry that it will shut down its Children’s Safe Product Reporting Database on **September 30, 2019**, because it is transitioning to the High Priority Chemicals Data System, a new portal built by IC2 that will allow companies reporting under multiple state schemes to submit a single report that fulfils their requirements. Oregon and Washington will be the first to adopt the new system. Vermont reportedly also plans to use it, but the transition will be delayed. The portal is expected to be ready **November 15, 2019**, but the date remains tentative. The deadline for submitting data under Washington’s Children’s Safe Products Program is **January 31, 2020**. **Cadmium** and **cadmium compounds** are included on the list of chemicals of high concern to children.

**INTERNATIONAL ISSUES**

**AUSTRALIA**

**SWA Begins Public Consultation On Workplace Exposure Standards For Cadmium And Cadmium Compounds**

On September 27, 2019, SWA began a public consultation on the [fourth release of workplace exposure standards for airborne contaminants](https://engage.swa.gov.au/wes-review-release-4). As reported in our September 18, 2019, e-mail, SWA deferred **cadmium** and **cadmium compounds** to the fourth release, and comment is now open on [**cadmium and compounds (as Cd)**](https://engage.swa.gov.au/wes-review-release-4/documents):

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

SWA states that it seeks comments of a technical nature regarding:

* The toxicological information and data that the value is based upon; and
* The measurement and analysis information provided.

Comments are due **October 25, 2019**. SWA will consider the comments when making final recommendations regarding the workplace exposure standards. SWA will release the draft evaluation reports and recommendations for the remaining chemicals throughout **2019** and **2020**.

**CANADA**

**HC Publishes Guidance Document On Joint HC And U.S. OSHA Guidance**

Under the Canada-United States RCC, Canada and the United States have developed [joint guidance on the labeling requirements for hazardous products](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance.html) under the Canadian HPR and the U.S. HCS. The guidance document contains three areas of focus and compares the requirements within each area:

* [Joint U.S. OSHA/HC Guidance on Regulatory Processes for Hazardous Products in the Workplace](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a6):
* [Comparison of U.S. and Canada’s Regulatory Process for Hazardous Products in the Workplace](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a6.1);
* [Joint U.S. OSHA/HC Comparison of Labeling Requirements for Hazardous Products](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a7):
* [Label Comparison for Shipped Containers](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a7.1); and
* [Joint U.S. OSHA/HC Guidance on Labeling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified, and Health Hazards Not Otherwise Classified](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a8):
* [Labeling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified, and Health Hazards Not Otherwise Classified](https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/joint-guidance/document.html#a8.1).

**CHINA**

**Ministry Of Finance Announces Special Soil Pollution Fund**

The Ministry of Finance announced on July 4, 2019, that it established a special soil pollution fund for soil pollution prevention, control, and remediation projects. The top three provinces receiving the soil pollution funds include Yunnan (708 million yuan), Hunan (575 million yuan), and Guizhou (425 million yuan) in the southwestern part of China. Local governments in these provinces will be able to apply for the special funds for specific soil remediation projects and the adoption of cleaner technologies to reduce emissions of heavy metals that make their way into the air, water, and soil.

**MEE Announces Establishment Of National Expert Committee On Ecological Environmental Protection**

MEE [announced](http://www.mee.gov.cn/xxgk2018/xxgk/xxgk15/201907/t20190719_711621.html) on July 18, 2019, the creation of the National Expert Committee on Ecological Environmental Protection, merging the National Environment Consultation Committee and Science and Technology Committee. Members will focus on developing policies based on science, creating long-term strategies to tackle pollution, and using real situations and challenges on the ground to inform decisions.

**Resource Tax Law Will Take Effect September 1, 2020**

On August 26, 2019, the National People’s Congress adopted a [Resource Tax Law](http://www.npc.gov.cn/npc/c30834/201908/d80a55c3e81d48ec861399d2c73fe0f6.shtml) that gives local governments the authority to tax oil, gas, and mineral resources and lays the groundwork for a nationwide water resource tax. The Law will unify a number of regulations, resource fees, and pilot programs. According to officials, the Law will not increase the overall taxes on local companies. Major resources such as crude oil or rare earths would remain subject to a fixed tax rate set by the central government, but local authorities would be able to adjust the rates levied on other products. According to the needs of national economic and social development, the State Council may stipulate the exemption or reduction of resource taxes for the promotion of resource conservation and intensive use and protection of the environment, and report it to the Standing Committee of the National People’s Congress for the record. The Resource Tax Law will take effect **September 1, 2020**.

Taxable products are mineral products, including ore and mineral processing products. The mineral resources mined from mines in the depleted period shall be reduced by 30 percent of the resources tax. Water extracted from surface and groundwater sources is taxable, with rates based on local water resource availability. The more water-stressed a region is, the higher the taxes will be.

**Updated OEL Standard Includes Cadmium And Cadmium Compounds**

As reported in our September 11, 2019, e-mail, NHC [published a notice](https://www.lawbc.com/uploads/docs/00280033.pdf) on August 29, 2019, updating its OELs for Standard GBZ 2, Harmful Factors in the Workplace, for the first time since 2007. The Standard is divided into two parts -- Part 1: Chemically Harmful Factors and Part 2: Physical Factors. The update covers only Part 1. It will become mandatory on **April 1, 2020**. [Standard GBZ 2.1-2019](https://www.lawbc.com/uploads/docs/00280029.pdf) includes **cadmium** and **cadmium compounds** and **cadmium** and **inorganic cadmium compounds**.

**China Notified Two Draft Chemical Regulations To WTO**

MEE notified WTO of its “[Environmental Risk Assessment and Control Regulation for Chemical Substances (Notification Draft)](https://members.wto.org/crnattachments/2019/TBT/CHN/19_4789_00_x.pdf)” (the draft Regulation) and “[Measures on the Environmental Management of New Chemical Substances (Notification Draft)](https://members.wto.org/crnattachments/2019/TBT/CHN/19_4790_00_x.pdf)” (the draft Measures) on September 2, 2019. The draft Regulation is a revised version of the [Consultative Draft of the Regulation](http://www.mee.gov.cn/xxgk2018/xxgk/xxgk06/201901/t20190111_689258.html) published on January 8, 2019, and it is now more in line with the draft Measures, especially articles related to new chemical substances. The draft Measures is the same as the [Consultative Draft of the Measures](http://www.mee.gov.cn/xxgk2018/xxgk/xxgk06/201907/t20190711_709145.html) published on July 9, 2019. The draft Regulation and the draft Measures are intended to govern the environmental risk assessment and management of chemical substances and their mixtures, excluding medicines, pesticides, veterinary drugs, cosmetics, foods, food additives, feeds, feed additives, fertilizers, and radioactive materials. More information is available in Acta®’s September 9, 2019, memorandum, “[China Notifies WTO of Two Draft Chemical Regulations](https://www.actagroup.com/regulatory-developments/entry/china-notifies-wto-of-two-draft-chemical-regulations).”

**China Issues Guideline For Environmental Risk Assessment Of Chemical Substances**

On September 3, 2019, MEE and NHC jointly issued a final Technical Framework Guideline for Environmental Risk Assessment of Chemical Substances (Trial). This Trial Guideline provides a basic framework, including evaluation steps, technical requirements, and report preparation, for the environmental risk assessment of a single chemical substance under standard production and uses. The Trial Guideline does not apply to mixtures or exposures due to accidents or leakages. The “four-step” evaluation includes hazard identification, dose-response assessment, exposure assessment, and risk characterization. It also outlines uncertainty analysis, data quality assessment, spatial scale of exposure assessment, risk assessment of PBT and vPvB chemical substances, and consideration for risk assessment of metals and their compounds. More information is available in Acta’s September 13, 2019, memorandum, “[China Issues Guideline for Environmental Risk Assessment of Chemical Substances](https://www.actagroup.com/regulatory-developments/entry/china-issues-guideline-for-environmental-risk-assessment-of-chemical-substa).”

**ISRAEL**

**Israel Proposes To Update Migration Limits For Toys, Including Limit For Cadmium**

On July 29, 2019, Israel [notified WTO](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?MetaCollection=WTO&SymbolList=G/TBT/N/ISR/1070&Serial=&IssuingDateFrom=29/07/2019&IssuingDateTo=30/07/2019&CATTITLE=&ConcernedCountryList=&OtherCountryList=&SubjectList=&TypeList=&FullTextHash=371) of its proposal to update its standards on the migration limits in toys to match the latest revisions made by the EU and ISO. If issued in final, the standards would cover the requirements and test methods for the migration of 19 elements, including **cadmium**. According to a spokesperson for Israel’s Ministry of the Economy, the standards are still in draft form and need to be approved by the Ministers for Health and Economy.

**OECD**

**OECD Publishes Report On Considerations When Assessing Children’s Exposure To Chemicals From Products**

OECD published a September 6, 2019, report entitled [*Considerations When Assessing Children’s Exposure to Chemicals from Products*](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/JM/MONO(2019)29&docLanguage=En) that presents a children’s exposure decision tree intended to facilitate the inclusion of children’s exposure in risk assessments. According to the report, the decision tree can be used to determine if a separate exposure assessment is needed with regard to children and whether the exposure assessment conducted for adults already provides an acceptable level of safety for children. The report is focused on industrial chemicals in consumer products but notes that other types of products may also be covered as such definitions can differ between countries. Exposure via food or the environment is regarded as background exposure in the report. The report includes case studies on two types of hair spray, kitchen cleaner spray, and a pesticide in a public park.

**SOUTH KOREA**

**KCMA Publishes FAQs On Products Containing Priority Control Substances**

On August 26, 2019, KCMA [published](https://www.kcma.or.kr/sub5/5_1.asp?b_name=notice&mode=read&IDX=4973&Page=&Search_Type=&Search_Value=&Category=1&Parent=&Cate=&Search_Cate=&menu=&top_menu_num=&Order_Name=Ref&Order_Type=Desc) FAQs for companies handling products containing priority control substances. The FAQs clarify what products are subject to reporting requirements and address methods and procedures, as well as other topics. As reported in our January 28, 2019, Update, in December 2018, MOE published a list of [672 priority substances](http://www.lawbc.com/uploads/docs/2018-233_Priority_control_subs_announcment_and_list-1.PDF) where products that contain the listed chemical substances are subject to ongoing management and reporting under K-REACH. The list includes CMRs, endocrine disrupting chemicals, PBTs, STOTs, and SVHCs. Producers or importers must report when products contain a priority substance above 0.1 percent of its weight and the total weight of the priority substance in products is over one metric ton per year. The rules took effect for 204 of the chemical substances, including **cadmium (inorganic metal)** (CMR, PBT, STOT) and a number of **cadmium compounds**, from July 1, 2019. For the remaining 468, including other **cadmium compounds**, the rules take effect **July 1, 2021**.

**TAIWAN**

**Taiwan EPA Begins Public Consultation On Revisions To Regulations Concerning Toxic Substances And Chemicals Of Concern**

Taiwan EPA has begun a [public consultation](https://www.tcsb.gov.tw/cp-21-3650-9f703-1.html) on proposed revisions to the following regulations related to toxic substances and chemicals of concern:

* The permit registration and approval regulations;
* The regulations of handling and release records;
* The approval regulations for Class Four substances; and
* Labeling and SDS regulations.

The proposed revisions to the permit regulations would introduce a new system that allows local authorities to issue combined permits or registration documents for each handler or facility. The recordkeeping regulations would be revised to require companies to keep daily records on the manufacture, export, import, sale, use, and storage or disposal of chemicals of concern and to produce regular reports. The proposed changes to the labeling and SDS regulations would bring the wording in line with TCSCCA and include a requirement that labels on containers and packages of toxic chemicals and chemicals of concern provide information on how to prevent or urgently respond to hazards, in line with the national classification and labeling standard, CNS 15030. Comments are due **October 14, 2019**. The revisions are scheduled to take effect **January 16, 2020**.

**Taiwan Publishes FAQs On New And Existing Chemical Substances Registration Regulation**

On August 28, 2019, Taiwan [published FAQs](https://www.lawbc.com/uploads/docs/deng_lu_ban_fa_shuo_ming_hui_ti_wen_ji_shuo_ming_yi_lan_biao_.pdf) on the amended New and Existing Chemical Substances Registration Regulation. The FAQs were collected during nine industry seminars held in 2019. The FAQs address:

* Regulatory mechanism: 90 questions;
* Registration operation (including the submission system and changing or repealing registrations): 124 questions;
* Registration number (in place of the registration document): Two questions;
* Joint registration and SIEF-like platform: 34 questions;
* Standard registration and supporting measures for designated priority existing chemical substances: 89 questions;
* Annual reporting: 59 questions; and
* Other (including cross-ministerial cooperation): 22 questions.

As reported in our March 28, 2019, Update, the amended Regulation includes a final list of 106 PECs that are subject to standard registration. **Cadmium** is not listed as a PEC. More information on the New and Existing Chemical Substances Registration Regulation is available in our March 28, 2019, Update.

**TCSB Will Publish Draft List Of Chemicals Of Concern By The End Of The Year**

According to Chen Shu-lin, TCSB Deputy Director General, Taiwan will publish a draft list of chemicals of concern by the **end of 2019**. Chen stated that TCSB is in the process of drafting screening and assessment standards in consultation with stakeholders to identify chemicals of concern using a risk-based approach. The focus will be on substances that have one or more of the following characteristics:

* Food safety concerns;
* High level of hazard;
* Substances produced in high volumes;
* Corrosive toxicants;
* An accident risk; and
* Substances that could be used as precursors to illegal drugs.

**THAILAND**

**Draft Chemical Act Would Introduce Risk-Based Regulation**

On April 23, 2019, Thailand published the [first draft of a proposed chemical act](https://www.lawbc.com/uploads/docs/Thai_document.pdf) that would introduce risk-based regulation and a new system for registering and classifying chemicals. According to the draft law, the intention is to form a national chemicals agency, adopt a precautionary principle approach, and apply life cycle management to substances. It would create the following committees to oversee chemical management:

* A top-level national committee led by the prime minister or deputy prime minister that will produce a national report at least every 12 months;
* A chemical assessment committee that will classify substances; and
* Specialist chemical management committees for agriculture, public health, and “industrial and other” chemicals.

\* \* \* \* \*

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

## ACRONYMS

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

**ACE** -- Asian/Pacific Islander Community Exposures

**Acta** -- The Acta Group

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

**CDC** -- Centers for Disease Control and Prevention

**CMR** -- Carcinogenic, Mutagenic, or Reprotoxic

**CNS** -- China National Standard

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

**EU** -- European Union

**FAQ** -- Frequently Asked Question

**HC** -- Health Canada

**HCS** -- Hazard Communication Standard

**HPR** -- Hazardous Products Regulations

**HTSUS** -- Harmonized Tariff Schedule of the United States

**IC2** -- Interstate Chemicals Clearinghouse

**ICdA** -- International Cadmium Association

**ISO** -- International Organization for Standardization

**KCMA** -- Korea Chemicals Management Association

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

**LOC** -- Level of Concern

**MDH** -- Minnesota Department of Health

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

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

**MOE** -- Ministry of the Environment

**NESOI** -- Not Elsewhere Specified or Included

**NHC** -- National Health Commission

**NIOSH** -- National Institute for Occupational Safety and Health

**NJDEP** -- New Jersey Department of Environmental Protection

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

**OEL** -- Occupational Exposure Limit

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

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

**PEC** -- Priority Existing Chemical

**PFAS** -- Perfluoroalkyl and Polyfluoroalkyl Substances

**PFHxS** -- Perfluorohexane Sulfonic Acid

**PFNA**-- Perfluorononanoic Acid

**PFOA**-- Perfluorooctanoic Acid

**PFOS** -- Perfluorooctane Sulfonic Acid

**PFUA** -- Perfluoroundecanoic Acid

**ppm** -- Part Per Million

**RCC** -- Regulatory Cooperation Council

**SDS** -- Safety Data Sheet

**SIEF** -- Substance Information Exchange Forum

**STOT** -- Specific Target Organ Toxicity

**SVHC** -- Substance of Very High Concern

**SWA** -- Safe Work Australia

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

**TCSB** -- Toxic and Chemical Substances Bureau

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

**TSCA** -- Toxic Substances Control Act

**TWA** -- Time-Weighted Average

**USTR** -- Office of the United States Trade Representative

**vPvB** -- Very Persistent and Very Bioaccumulative

**WDOE** -- Washington Department of Ecology

**WTC** -- World Trade Center

**WTO** -- World Trade Organization

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