

WEBINAR

Chemicals Q1 Regulatory Update 2022

14th APRIL 2022



Chemicals Q1 Regulatory Update 2022

Speaker



Maria Marecki
Senior Regulatory Consultant
Compliance & Risks

US PFAS bills

- Types of requirements: prohibition of substances in certain or all products, chemical substitution, reporting, disclosures, warnings and recyclability claims made about products containing PFAS
- Types of products addressed in bills include: textile articles/ apparel, rugs/ carpets, cosmetics, personal care products, children's products, child passenger restraints, upholstered furniture, mattresses, packaging, cookware, mosquito control products, fire-fighting foam, fabric treatments, ski wax, and anti-fogging sprays and wipes

Washington State HB 1694 enacted

- Washington State Ecology department may consider any product identified in the department's final PFAS chemical action plan dated November 2021 as a source of or use of PFAS chemicals to be a priority consumer product
- For the products identified in this section, the department is directed to:
 - Determine an initial set of regulatory actions under this chapter by June 1, 2024; and
 - Adopt rules to implement the initial set of determinations of regulatory actions by December 1, 2025



Colorado HB 1345

- Bill would require manufacturers of products sold in Colorado that contain intentionally added PFAS to report to the Department of Public Health and Environment (CDPHE)
- Trade name of the product and manufacturer name would be published on the department's website
- On and after January 1, 2024, a person shall not sell any products in the following product categories if the products contain intentionally added PFAS chemicals: carpets or rugs; cookware; cosmetics; fabric treatments; food packaging; juvenile products; oil and gas products; textile furnishings; and upholstered furniture

Federal H.R. 7142

- Formerly H.R. 2605 (2019)
- Known as the Prevent Release Of Toxics Emissions, Contamination and Transfer Act of 2022 or the PROTECT Act of 2022
- Bill would require the Environmental Protection Agency to:
 - Issue a final rule adding perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants, and
 - Revise the list of air pollution sources within 365 days after issuing the rule to include categories and subcategories of major sources and area sources of perfluoroalkyl and polyfluoroalkyl substances

California AB 1817

- Bill would prohibit, beginning January 1, 2024, any person from distributing, selling, or offering for sale in the state any textile articles that contain regulated PFAS
- Requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions
- “Textile articles” means textile goods of a type customarily used in households and businesses, and include, but are not limited to, apparel, costumes and accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and tablecloths

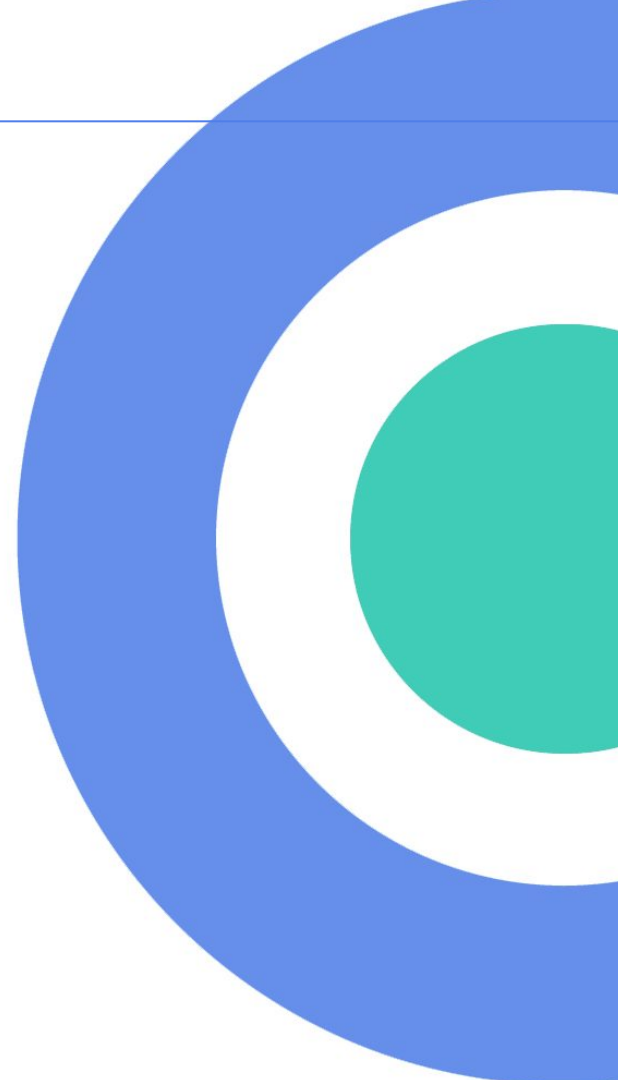


California AB 2247

- Bill would require a manufacturer of PFAS or a product or a product component containing PFAS, to register the PFAS or the product or product component containing PFAS on a publicly-accessible reporting platform, on or before March 1, 2024, and annually thereafter
- "Product" means an item, including its product components, that is manufactured, assembled, packaged or otherwise prepared for sale or distributed, including for personal, residential, commercial or industrial use, or for use in making other products

Minnesota HF 3571/ SF 3669

- Bills would prohibit the manufacture, sale, offer for sale or distribution in commerce in the state of any new juvenile product that contains perfluoroalkyl and polyfluoroalkyl substances
- "Juvenile product" means a product designed or marketed for use by infants and children under 12 years of age
- Would enter into force January 1, 2024



Minnesota HF 3076/ SF 3345

- Bills would prohibit the manufacture, distribution, sale or offer for sale of apparel or outerwear that contains perfluoroalkyl and polyfluoroalkyl substances, starting January 1, 2025
- "Apparel" means items intended to be worn on the human body, including clothing intended for daily wear or formal occasions and outdoor activities, as well as footwear, handbags, backpacks, scarves and other accessories
- "Outerwear" means clothing intended to be worn over apparel, including but not limited to jackets, coats, snow pants and ski pants, but does not include professional uniforms

Minnesota HF 3075/ SF 3326

- Bills would require a manufacturer of a product for sale that contains intentionally-added PFAS to submit a written notice that includes:
 - A brief description of the product;
 - The function served by PFAS in the product, including in any product components;
 - The amount of each of the PFAS, identified by its CAS number, in the product, reported as an exact quantity; and
 - The name and address of the manufacturer, including the telephone number of a contact person

Minnesota HF 3180/ SF 3307

- Bills would prohibit the manufacture, sale, offer for sale or distribution of the following that contains perfluoroalkyl and polyfluoroalkyl substances:
 - A carpet or rug;
 - A fabric treatment;
 - Upholstered furniture; or
 - Textile furnishings
- "Fabric treatment" means a substance applied to fabric to give the fabric one or more characteristics, including but not limited to stain resistance or water resistance
- "Textile furnishings" means textile goods used in households and businesses, including draperies, floor coverings, furnishings, beddings, towels and tablecloths
- Bills would take effect January 1, 2024

Other states considering PFAS bills

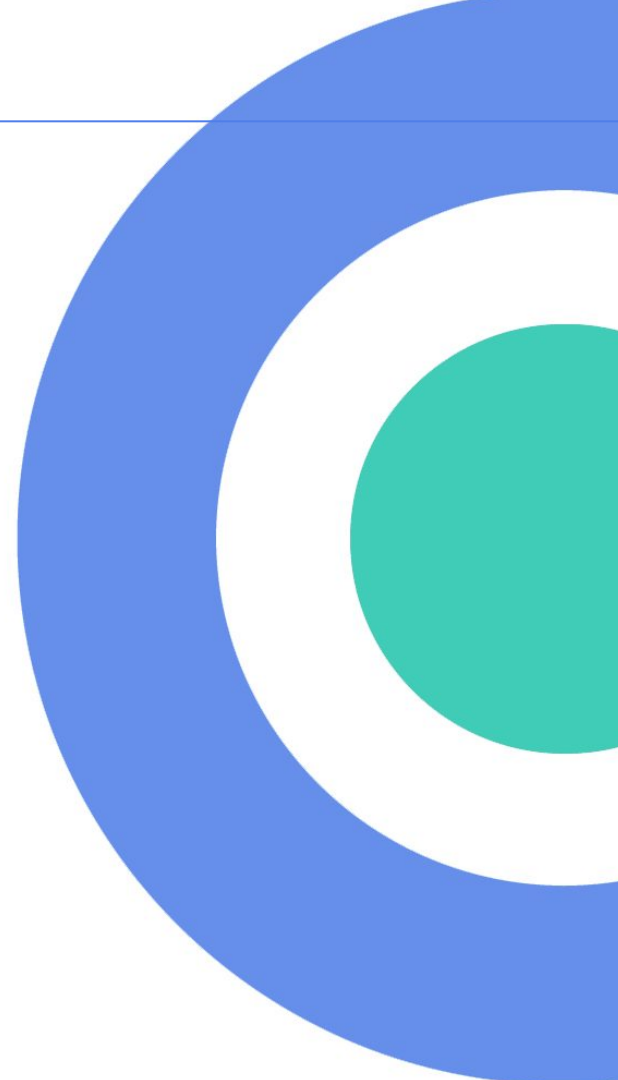
- Connecticut: Food packaging; consumer products
- Hawaii: Food packaging, such as pizza boxes, plates, wraps and liners; recyclability claims
- Iowa: Food packaging
- Maryland: Food packaging; recyclability claims
- Massachusetts: Food packaging; child passenger restraints; cookware; fabric treatments; personal care products; rugs and carpets; and upholstered furniture
- New Hampshire: All products, if intentionally-added; warning labels
- Rhode Island: Apparel; carpets; cookware; cosmetics; fabric treatments; food packaging; juvenile products; and upholstered furniture
- Vermont: All products, if intentionally-added

California Final Regulation on Treatments Containing PFAS

- Department of Toxic Substances Control (DTSC) finalized a regulation to list a new Priority Product: treatments containing perfluoroalkyl or polyfluoroalkyl substances (PFASs) for use on converted textiles or leathers such as carpets, upholstery, clothing, and shoes
- Applies to products manufactured on or after April 1, 2022
- Does not apply to the textile or leather products themselves
- Domestic and foreign manufacturers must submit a Priority Product Notification (PPN) for those products by May 31, 2022

NYS packaging plan

- New York Governor will propose legislation to reduce the presence of toxic and environmentally persistent chemicals in packaging and paper products
- Expand the current Hazardous Packaging rules by restricting per- and polyfluoroalkyl substances and phthalates in all packaging categories:
 - Phthalates individually or in combination, in amounts exceeding 100 parts per million by weight (0.01%)
 - PFAS individually or in combination, in amounts exceeding 100 parts per million by weight (0.01%)



Canada VOC regulations

- Volatile Organic Compound Concentration Limits for Certain Products Regulations: SOR/2021-268
- Product categories such as personal care, automotive and household maintenance products, adhesives, adhesive removers, and sealants and caulks
- Prohibits the manufacture and import of products with VOC concentrations in excess of their respective category-specific limits unless a permit is obtained
- Manufacturers and/ or importers are required to indicate, on the product container, the date on which the product was manufactured or a code representing that date

Japan PFOA proposal

- Designate PFOA-related substances as Class I Specified Chemical Substances
- Annex lists PFOA-related substances
- Prohibits products containing PFOA-related substances from being imported:
 - Floor waxes
 - Protective agents and antifouling agents for textile products
 - Water and oil repellents
 - Textile products with water and oil repellency
 - Antifoaming agents
 - Coating agents
 - Optical fibers or its surface coating agent
 - Fire extinguishers

California Prop 65 update

- Perfluorononanoic acid (PFNA) and its salts added to list of chemicals known to the state to cause reproductive toxicity
- Perfluorooctanoic acid (PFOA) added to the list of chemicals known to cause cancer
- Bisphenol A (BPA) possible listing for cancer
- Bisphenol S (BPS) possible listing for reproductive toxicity



New York enacts flame retardant bills

- Beginning January 1, 2024
 - no person shall sell or offer for sale in the state of New York any electronic display that contains an intentionally added organohalogen flame retardant chemical in the enclosure or stand of such electronic display
 - no person shall sell or offer for sale in the state of New York any new, not previously owned, upholstered furniture or mattress, that contains, or a constituent component of which contains, any intentionally added covered flame retardant chemical, individually or in combination.
- Covered flame retardants include halogenated, organophosphorus, organonitrogen, and/or nanoscale flame retardants

Connecticut Raised S.B. No. 255 on flame retardants

- On and after January 1, 2023, products shall include a label that indicates whether or not the product contains any added flame retardant chemical
- On and after January 1, 2023, no wholesale or retail business or manufacturer of a children's product may knowingly sell, offer for sale or distribute for use in this state any children's product that contains any added flame retardant chemical
- "Added flame retardant chemical" means a flame retardant chemical that is present in any children's product or consumer product at levels above 1,000 parts per million

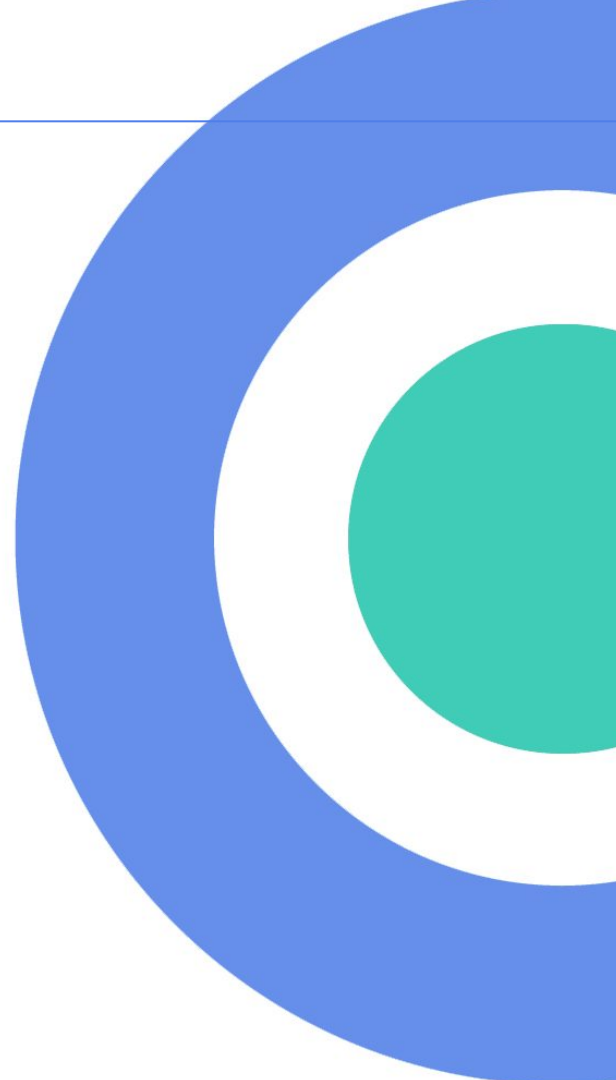
EU consultation on Dechlorane Plus™

- European Chemicals Agency holding consultation on a proposal to restrict Dechlorane Plus™

Designation of the substance, of the group of substances or of the mixture	Conditions of restriction
<p>1,6,7,8,9,14,15,16,17,17,18,18-Dodecachloropentacyclo [12.2.1.1.1^{6,9}.0^{2,13}.0^{5,10}] octadeca-7,15-diene (“Dechlorane Plus”) [covering any of its individual anti- and syn-isomers or any combination thereof]</p> <p>CAS No 13560-89-9; 135821-74-8; 135821-03-3</p> <p>EC No 236-948-9; -; -</p>	<p>1. Shall not be manufactured, or placed on the market as a substance on its own from [18 months after entry into force].</p> <p>2. Shall not, from [18 months after entry into force], be used in the production of, or placed on the market in:</p> <ul style="list-style-type: none">(a) another substance, as a constituent;(b) a mixture;(c) an article, <p>in a concentration equal to or above 0.1% by weight.</p>

PIP (3:1) deadline extended

- US Environmental Protection Agency (EPA) issued a final rule further extending the compliance date for the prohibitions on processing and distribution and the associated recordkeeping requirement of one of these PBT chemicals, phenol, isopropylated phosphate (3:1) (PIP (3:1)) when used in certain articles until October 31, 2024



Plan to add phthalates under China RoHS 2

- GB/T 26572-2011 is expected to be revised in order to include diethylhexyl phthalate (DEHP), benzyl butyl phthalate (BBP), dibutyl phthalate (DBP) and diisobutyl phthalate (DIBP)
- Expected by the end of September 2022
- Mandatory national standard on "Requirements for the Restriction of the Use of Hazardous Substances in Electrical and Electronic Products" is expected to be completed by 2022

Chile WEEE draft

- Draft establishes collection and recovery targets and associated obligations for batteries and electrical and electronic equipment
- Prohibits the import of the following batteries:
 - Those belonging to the small and large batteries categories with mercury concentrations above 0.1% by weight;
 - Those belonging to the small batteries categories with cadmium concentrations above 0.01% by weight.
- Batteries for use in emergency equipment, alarms and medical devices are exempt from this prohibition



France draft on mineral oil in packaging

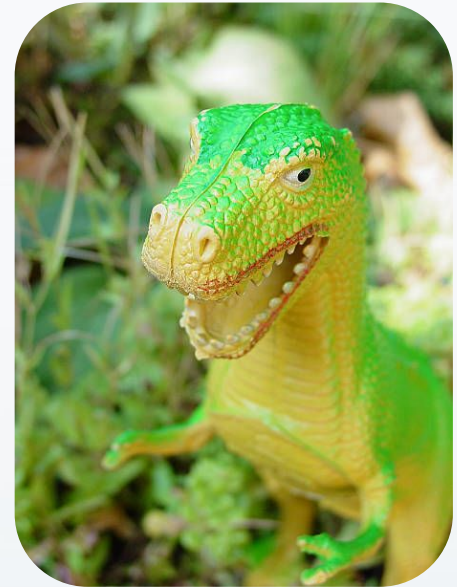
- French Ministry of Ecology published draft on the prohibition of mineral oils for use on packaging and printed materials distributed to the public
- The substances concerned are:
 - Mineral oil aromatic hydrocarbons (MOAH) consisting of 1 to 7 aromatic cycles;
 - Mineral oil saturated hydrocarbons (MOSH) consisting of 16 to 35 carbon atoms.
- From 1 January 2025, the ban on the use of mineral oils applies to:
 - MOAH, where the mass concentration in ink of these substances is greater than 0.1%, and from 1 January 2025, up to a limit of one part per billion (ppb) for compounds of 3 to 7 aromatic cycles;
 - MOSH, where the mass concentration in ink of the above substances is greater than 1%, and from 1 January 2025, where that concentration is greater than 0.1%

Formaldehyde standards for composite wood products

- US EPA proposing updates to the Formaldehyde Emission Standards for Composite Wood Products rule under TSCA
- Updates to voluntary consensus standards to reflect the current editions from American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), British Standards Institute (BSI), International Organization for Standardization (ISO), Japanese Industrial Standards (JIS), and National Institute of Standards and Technology (NIST)
- Technical corrections to better align with CARB requirements

Hong Kong updates toys and children's products standards

- Notice updates standards for toys and six classes of children's products, including:
 - BS EN 71-3:2019+A1:2021 Safety of toys - Migration of certain elements
 - BS EN 71-4:2020 Safety of toys - Experimental sets for chemistry and related activities
 - BS EN 71-13:2021 Safety of toys - Olfactory board games, cosmetic kits and gustative games
 - BS EN 14350:2020 Child care articles. Drinking equipment. Safety requirements and test methods
- Notice will take effect on September, 1 2022



SASO leather TR guidance

- Saudi Standards, Metrology and Quality Organization (SASO) published Technical Guide for Leather Product
- pH values:
 - For children or in direct contact with the skin 7.5 – 4.0
 - Do not come in direct contact with the skin or leather accessories: 9.0 – 4.0
- Details requirements hazardous substances such as heavy metals, carcinogenic dyes, and allergenic dyes

Israel glass food contact draft

- Draft SI 1003 part 3.1 - Release of lead and cadmium from ware in contact with food: Glass hollowware – Test method
- Adopts the ISO 7086-1 - Third Edition: 2019-08 with a few national deviations
- Applies to deep glassware, intended for use in the preparation, cooking, serving, and storage of food and beverages, excluding ceramic glassware, flat glassware, and glass drinking utensils



Thailand plastic food contact draft

- Proposed to repeal Notification No. 295 (BE. 2548) (2005) "Qualities or Standards of Containers Made from Plastic"
- Annex contains tables on heavy metal migration limits, overall migrations limits, primary aromatic amines (PAAs) restrictions, and specific migration limits
- New plastic food packaging other than those listed in Annex I shall be evaluated
- Permits use of plastic food packaging made from recycled Polyethylene terephthalate (PET)



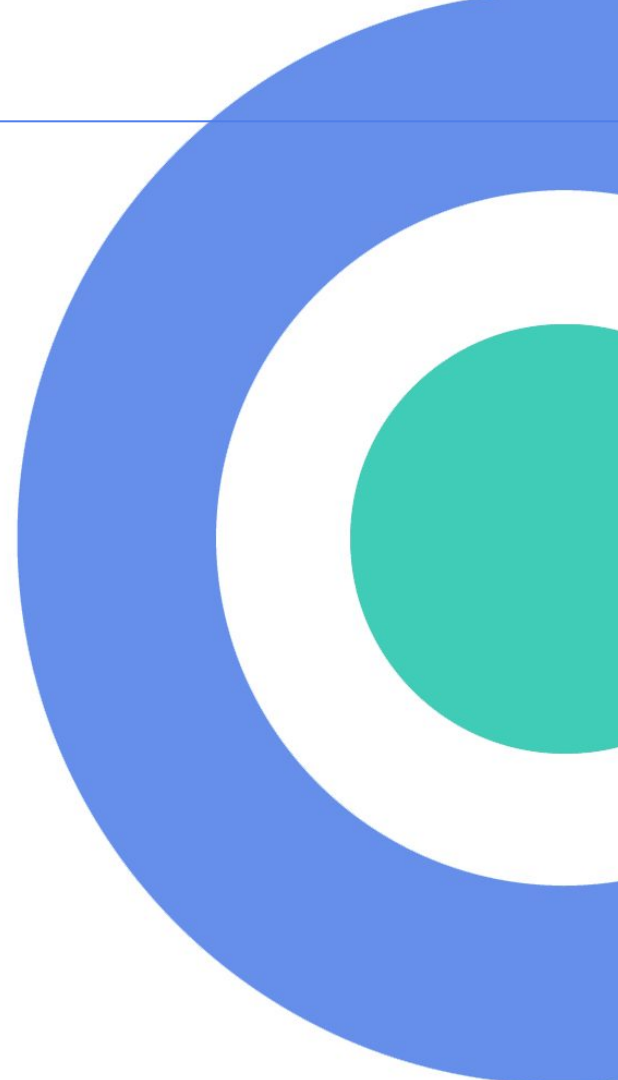
Four chemicals added to Candidate List

- In January, four substances were added to the Candidate List of substances of very high concern.

Substance name	EC number	CAS number	Examples of use(s)
6,6'-di-tert-butyl-2,2'-methylenedi-p-cre sol	204-327-1	119-47-1	Rubbers, lubricants, adhesives, inks, fuels
tris(2-methoxyethoxy)vinylsilane	213-934-0	1067-53-4	Rubbers, plastics, sealants
(±)-1,7,7-trimethyl-3-[(4-methylphenyl)methylene]bicyclo[2.2.1]heptan-2-one covering any of the individual isomers and/or combinations thereof (4-MBC)	-	-	Cosmetics
S-(tricyclo(5.2.1.0^{2,6})deca-3-en-8(or 9)-yl O-(isopropyl or isobutyl or 2-ethylhexyl) O-(isopropyl or isobutyl or 2-ethylhexyl) phosphorodithioate	401-850-9	255881-94-8	Lubricants, greases

Brazil benzene regulation

- Resolution RDC No. 648 prohibiting the manufacture, distribution or commercialization of products under sanitary surveillance that contain benzene in their composition, as a contaminating agent, in a percentage not exceeding 0.1% v/v
- Products that contain concentrations of the contaminant benzene higher than 0.01% v/v, must bear in the panel clear instructions
- Enters into force on May 2, 2022



Bill to amend Canadian Environmental Protection Act, 1999

- Within 2 years, the Ministers must develop, consult on, and publish a Plan of Chemicals Management Priorities
- CEPA would require that risk assessments consider real life exposure to the cumulative effects of substances on Canadians or the environment
- Publish and maintain a list of substances of potential concern (Watch list) due to their hazardous properties
- Preamble to the Act will include related statements recognizing the importance of Canadians having information regarding the risks of toxic substances, including by labelling products

Canada consultation on labeling of toxic substances

- Consultation will inform the development of a Notice of Intent for the labelling of toxic substances in consumer products including flame retardants in upholstered furniture
- Followed by a broader strategy outlining a suite of policy actions including legislative and regulatory actions, as well as voluntary and collaborative initiatives
- Environment and Climate Change Canada and Health Canada plan to carry out a series of workshops and events in a policy lab format

Questions?