



WEBINAR

# Chemicals Quarterly Quarter 2, 2022

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Chemicals Q2 Regulatory Update 2022

# Speaker



**Maria Marecki**  
Senior Regulatory Consultant  
Compliance & Risks

# Maryland enacts HB 275/SB 273

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- On 21 April 2022, Maryland's Governor signed HB 275/SB 273 into law
- On or after 1 January 2024, a person may not manufacture or knowingly sell, offer for sale, or distribute for sale or use in the State
  - a rug or carpet to which PFAS chemicals have been intentionally added
  - a food package or food packaging component designed and intended for direct food contact to which PFAS chemicals were intentionally added
- Certificate of compliance shall be established

# Colorado HB22-1345

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- Signed on 3 June 2022
- Establishes a regulatory scheme that prohibits the sale or distribution of certain products perfluoroalkyl and polyfluoroalkyl chemicals (PFAS chemicals)
- From 1 January 2024, prohibition on:
  - Carpets or rugs
  - Fabric treatments
  - Food packaging
  - Juvenile products
  - Oil and gas products



# Colorado HB22-1345 Cont.

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- Cookware labeling and information requirements enter into force 1 January 2024
- From 1 January 2025, prohibition on:
  - Cosmetics
  - Indoor textile furnishings
  - Indoor upholstered furniture
- From 1 January 2027, prohibition on:
  - Outdoor textile furnishings
  - Outdoor upholstered furniture

# Amendments to California AB-1817

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- Exemptions added, including:
  - Disposable hygiene products made from paper, including, but not limited to, toilet paper, paper towels or tissues, or disposable absorbent hygiene products
  - Vehicles or its component parts
  - Textile articles used in or for laboratory analysis and testing
- Outdoor apparel and outdoor apparel for severe wet conditions defined
- Effective date changed to 1 January 2025
- Outdoor apparel for severe wet conditions effective 1 January 2027
- After 1 January 2025, outdoor apparel for severe wet conditions is accompanied by a disclosure with the statement “Made with PFAS chemicals.”

# Amendments to California AB-1817 Cont.

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- “Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:
  - PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product
  - The presence of PFAS in a product or product component at or above the following thresholds, as measured in total organic fluorine:
    - Commencing January 1, 2025, 100 parts per million
    - Commencing January 1, 2027, 50 parts per million
    - Commencing January 1, 2029, 10 parts per million

# California AB 2247

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- Bill would require the establishment of on or before 1 January 2025, a publicly accessible reporting platform
- Manufacturer to register by on or before 1 July 2025 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
- Passed Assembly



# New York SB 6291 and AB 7063

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- Prohibit apparel containing perfluoroalkyl and polyfluoroalkyl substances as intentionally added chemicals
- "Apparel" means clothing items intended for regular wear or formal occasions including, but not limited to: undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, leisurewear, formal wear, onesies, bibs, and diapers
- Excludes professional uniforms or outerwear intended for extreme conditions
- Passed both houses but not signed



# Massachusetts HB 4818

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- From 1 January 2023 prohibition on any of the following products to which PFAS substances have been intentionally added or, if not intentionally added, in which PFAS substances are present and measurable by testing for total fluorine at a level greater than 1 part per million: child passenger restraints; cookware; fabric treatments; personal care products; rugs and carpets; upholstered furniture; and children's products
- From 1 January 2030 product scope expands to any product unless determined that the use of PFAS substances in the product is currently unavoidable use
- On or before 1 June 2025 a manufacturer of PFAS or a product or product component containing regulated PFAS substances shall register

# North Carolina House Bill 1113

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- Bill would ban packaging material containing a covered toxic substance from 1 October 2024
- Toxic substances: Ortho-phthalates; Bisphenols; PFAS; Lead and lead compounds; Hexavalent chromium and compounds; Cadmium and cadmium compounds; Mercury and mercury compounds; Benzophenone and its derivatives; Halogenated flame retardants; Perchlorate; Formaldehyde; Toluene; Polyvinyl chloride; Polystyrene; and Polycarbonate

# Washington State food packaging safer alternatives

- Department of Ecology identified less hazardous alternatives for five food packaging applications
- Prohibition against PFAS-containing food packaging in these applications will take effect in 2024

Application	Safer alternatives
Bags and sleeves	Densified paper and wax-coated options
Bowls	Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options
Flat serveware	Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options
Open-top containers	Clay-coated, densified paper, wax-coated, polylactic acid-coated, polylactic acid foam, aluminum, and reusable options
Closed containers	Clay-coated, polylactic acid-coated, polylactic acid foam, and aluminum options

# France publishes mineral oil restriction

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- Order restricts the following two types of mineral oils:
  - Mineral oil aromatic hydrocarbons (MOAH) consisting of 1 to 7 aromatic cycles
  - Mineral oil saturated hydrocarbons (MOSH) consisting of 16 to 35 carbon atoms
- Until 31 December 2024, the ban on the use of mineral oils applies when the mass concentration in the ink of MOAH is greater than 1%
- From 01 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 % or is 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 these substances is greater than 0.1 %

# France environmental quality labeling

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- Decree No. 2022-748 lays down measures for the application of Article L. 541-9-1 of the Environmental Code
- Precious metals: If greater than 1 milligram: "contains at least [X milligrams] of precious metals' or "contains at least [X milligrams] of gold, silver, platinum, palladium"
- Rare earth: If greater than 1 milligram: "contains at least [X milligrams] of rare earths" or "contains at least [X milligrams] of ...."
- Hazardous Substances: "contains a dangerous substance" or, when the substance present is contained in REACH list of SVHCs, in the form of the statement "contains a substance of very high concern"

# EU proposal for ecodesign requirements for sustainable products

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- Article 7 focuses on information requirements including related to substances of concern
- This includes:
  - name of the substances of concern present in the product
  - location of the substances of concern within the product
  - concentration, maximum concentration or concentration range of the substances of concern, at the level of the product, its main components, or spare parts
- Information ensuring the traceability of substances shall be given either on the product or be accessible through a data carrier included on the product

# SVHC updates

- ECHA have received a new intentions for:
  - reaction mass of  
2,2,3,3,5,5,6,6-octafluoro-4-(1,1,1,2,3,3,3-heptafluoropropan-2-yl)morpholine and  
2,2,3,3,5,5,6,6-octafluoro-4-(heptafluoropropyl)morpholine (EC 473-390-7, CAS -)
  - 4,4'-sulphonyldiphenol (EC 201-250-5, CAS 80-09-1)
- N-(hydroxymethyl)acrylamide is identified as a substance of very high concern meeting the criteria under Article 57 of REACH





# EU REACH formaldehyde proposal

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- EU is considering a proposed amendment to Regulation (EC) No 1907/2006 (REACH) to restrict formaldehyde
- Proposal would establish limits of:
  - 0.062 mg/m<sup>3</sup> in wood-based articles and furniture;
  - 0.08 mg/m<sup>3</sup> for other articles and
  - Road vehicles, where the concentration of formaldehyde in the interior of the vehicles exceeds 0.062 mg/m<sup>3</sup>
- Restriction shall apply 48 months after its entry into force for road vehicles, and 36 months after its entry into force for all other articles within its scope

# EU draft on lead and its compounds in PVC

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- Revised draft Commission Regulation amending Annex XVII to Regulation (EC) No 1907/2006
- Would prohibit the placing on the market of PVC articles containing a concentration of lead equal or greater than 0.1% of the PVC



# EU proposes additional substances under RoHS

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- Proposing to add tetrabromobisphenol A (TBBP-A) and medium-chain chlorinated paraffins (MCCPs) to the list of restricted substances in electrical and electronic equipment under the RoHS Directive
- TBBP-A is a brominated flame retardant is used in a wide variety of electronics, plastics and textiles
- MCCP is used as a flame retardant and plasticizer in rubber and plastics, especially PVC
- Commission adoption planned for fourth quarter 2022

# India RoHS draft

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- Lead, mercury, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers: 0.1% by weight in homogeneous materials
- Cadmium: 0.01% by weight in homogeneous materials
- Schedule I:
  - Information Technology and Telecommunication Equipment
  - Consumer Electrical and Electronics and Photovoltaic Panels
  - Large and Small Electrical and Electronic Equipment
  - Electrical and Electronic Tools (With the exception of Large-Scale Stationary Industrial Tools)
  - Toys, Leisure and Sports Equipment
  - Medical Devices (With the Exception of All Implanted and Infected Products)

# China New Pollutant Control Action Plan

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- In May, the General Office of the State Council published an action plan on controlling new pollutants
- Strengthen the content control of key new pollutants in products
- Content control requirements shall be included in the mandatory national standards for toys, school supplies and other related products
- Incorporate the key control new pollutant limits and prohibition requirements into the environmental labeling product and green product standards, certification, and labeling systems

# Canada proposes toxic substance regulations

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- Proposing Prohibition of Certain Toxic Substances Regulations, 2022
- Regulations would prohibit the manufacture, use, sale and import of:
  - Perfluorooctane sulfonate, its salts and its precursors (PFOS);
  - Perfluorooctanoic acid, its salts and its precursors (PFOA);
  - Long-chain perfluorocarboxylic acids, their salts and their precursors (LC-PFCAs);
  - Hexabromocyclododecane (HBCD); and
  - Polybrominated diphenyl ethers (PBDEs)
- Proposed Regulations would also allow permits to be issued to allow the continued manufacture and import of DP, DBDPE or HBCD, or products containing these substances, under certain conditions

# Canada proposes biocides regulations

- Disinfectants are regulated under the Food and Drugs Act (FDA) and surface sanitizers are regulated under the Pest Control Products Act (PCPA)
- Proposing to create new regulations under the Food and Drugs Act (FDA) specific to biocides
- Create of a pathway for authorization based on decisions from foreign regulatory authorities
- At first, the list of trusted foreign regulatory authorities would be limited to the US EPA



# Canada proposes stroller regulations

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- Health Canada is proposing to repeal and replace current Carriages and Strollers Regulations
- Proposing to align:
  - surface coating materials requirements with the amendments to the Surface Coating Materials Regulations
  - toxicological requirements with the Toys Regulations
  - aligning phthalates requirements with the Phthalates Regulations



# Canada surface coating amendments

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- Regulations Amending Certain Regulations Made Under the Canada Consumer Product Safety Act (Surface Coating Materials) (SOR/2022-122)
- Expand the meaning of a surface coating material to include surface coating materials that do not “dry” on application
- Expand the application for other decorative coating materials that may be applied to products during manufacture to include materials such as stickers or films
- Expand the 90 mg/kg total lead limit for applied coating materials to all furniture
- Limit the restrictions on lead, mercury and certain other harmful elements in coating materials applied to parts of products that are accessible

# Proposed Saudi Technical Regulation on jewelry

- Applies to jewelry and decorative accessories made of metals, plastics, glass or textiles
- Allowed limits of heavy metals
  - Lead (Pb): 0.5 mg/kg
  - Cadmium (Cd): 0.1 mg/kg
  - Nickel (Ni):
    - Earrings (migration percentage for a week of normal use): (0.2) mg/cm<sup>2</sup>
    - Other products that are attached to the body (the percentage of migration for a week of normal use): (0.5) mg/cm<sup>2</sup>



# Proposed changes to UK toys regulations

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- UK intending to update Schedule 2 to the Toys (Safety) Regulations 2011.
- Changes include:
  - Amend Appendix C to Schedule 2 of the Toys (Safety) Regulations 2009 to introduce specific (lower) limits for aniline and formaldehyde for toys intended for use by children under 36 months old or other toys intended to be placed in the mouth
  - Amend point 13 of Annex 2 to the Toys Regulations to reduce the permitted migration limits for aluminium
  - Prohibit the uses of certain fragrance allergens in toys

# Ukraine toy update

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- Cabinet of Ministers of Ukraine dated May 7, 2022 No. 557 On making changes to Appendix 2 to the Technical Regulations on the Safety of Toys
- Changes based on Commission Directive (EU) 2020/2088 of 11 December 2020 and Commission Directive (EU) 2020/2089 of 11 December 2020 on allergenic fragrances
- Adds Aniline limits:
  - 30 mg/kg after reductive cleavage in textile and leather materials for toys
  - 10 mg/kg of free aniline in finger paints
  - 30 mg/kg after reductive cleavage in finger paints

# Egypt toy standard draft

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- In May, Egypt notified the WTO of a Draft of Egyptian Standard ES 7093, Essential Requirements for Safety of Toys
- Partially modifies Table (3) Limits of migratory elements



# Minnesota reminds of deadline date

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- Minnesota Departments of Health and Commerce issued a reminder about the 1 July 2022 compliance date for rules on flame-retardant limits in children's products and residential furniture and textiles
- Organohalogenated flame-retardant chemical means any chemical that contains one or more carbon elements and one or more halogen elements, including fluorine, chlorine, bromine, or iodine
- Minn. Stat. § 325F.071 limits these chemicals to 1,000 PPM or less in affected products and their components

# Japan food contact consultation

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- Ministry of Health, Labour and Welfare (MHLW) announced consultation on the reorganization of the Positive Lists for synthetic resins for food utensils, containers, and packaging
- Nominations of substances for inclusion in the PL can be submitted
- Submissions before 16 July 2022

# Taiwan bans PVC in food packaging

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- Prohibition on the production, importation, and sales of plate packaging materials, regulated recyclable containers, and non-plate disposable tableware containers which contain Polyvinylchloride (PVC) is effective on July 1, 2023
- Made under Article 21 of the Waste Disposal Act



# Thailand food contact standards

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- The following are mandatory as of 3 January 2023:
  - TIS 2493 Part 1-2554 (2011) Plastic food containers for microwave oven Part 1 for reheating
  - TIS 2493 Part 2-2556 (2013) Plastic food containers for microwave Part 2 for single reheating
  - TIS 655 Part 1-2553 (2010) Plastic utensils for food part 1 Polyethylene, Polypropylene, Polystyrene, Poly (Ethylene Terephthalate), Poly (Vinyl Alcohol) and Poly (Methyl Pentene)
  - TIS 655 Part 2-2554 (2011) Plastic utensils for food part 2 poly (Vinyl Chloride) polycarbonate polyamide and poly (Methylmethacrylate)
  - TIS 655 Part 3-2554 (2011) Plastic utensils for food part 3 acrylonitrile-butadiene-styrene and styrene-acrylonitrile

# US FDA request on ortho-phthalates for food contact use

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- FDA is requesting information on the current food contact uses, use levels, dietary exposure and safety data on ortho-phthalates currently used in food contact applications
- Information on any current specific food-contact uses and use levels for the following ortho-phthalates found in FDA's regulations: Diisononyl phthalate (DINP, CAS No. 28553-12-0), diisodecyl phthalate (DIDP, CAS No. 26761-40-0), di(2-ethylhexyl) phthalate (DEHP, CAS No. 117-81-7), dicyclohexyl phthalate (DCHP, CAS No. 84-61-7), butylphthalyl butyl glycolate (BPPG, CAS No. 85-70-1), diethyl phthalate (DEP, CAS No. 84-66-2), ethylphthalyl ethyl glycolate (EPEG, CAS No. 84-72-0) and diisooctyl phthalate (DIOP, CAS No. 27554-26-3)

# Washington State Safer Products update

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- Department of Ecology published Regulatory Determinations Report to the Legislature: Safer Products for Washington Cycle 1 Implementation Phase 3
- Lists one of three possible actions for each of the products studied:
  - Manufacturers are required to notify Ecology when they use the priority chemical in the product
  - Ecology restricts the manufacturing, selling, or use of the priority chemical in the consumer product
  - Determine that no regulatory action is currently required
- Between June 2022 and June 2023, they will craft a preliminary draft rule, develop a formal draft rule, complete an economic analysis, and then produce the final rule

# Status update for Prop 65 proposal

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- Alloted time for the proposed rulemaking to amend the regulation related to short-form Proposition 65 warnings has lapsed
- Office of Environmental Health Hazard Assessment (OEHHA) intends to restart the rulemaking process informed by comments on the previous proposal, in the next several weeks
- Public notice and an opportunity to comment on that proposal will be provided

Questions?