

CDX Newsletter

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Asia

South Korea

South Korea's Ministry of Environment (MoE) consults on first batch of candidate list of substances subject to authorization.

On November 23, 2022, the South Korean Ministry of Environment (MoE) released 11 candidate substances subject to authorization for public comment under K-REACH. This consultation will be held from December 15, 2022 until February 13, 2023.

Substances subject to authorization under K-REACH must obtain authorization from the Ministry of Environment prior to their production, importation or use in South Korea.

Published in Notice No 2022-671, the candidate substances are:

1. benzene (CAS No. 71-43-2)
2. bisphenol A (4,4'-isopropylidenediphenol; CAS No. 80-05-7)
3. dibutyl phthalate (CAS No. 84-74-2)
4. benzyl butyl phthalate (CAS No. 85-68-7)
5. 4,4'-methylenebis[2-chloroaniline] (CAS No. 101-14-4)
6. di-(2-ethylhexyl)phthalate (CAS No. 117-81-7)
7. orange lead (CAS No. 1314-41-6)
8. lead monoxide (CAS No. 1317-36-8)
9. chromium trioxide (CAS No. 1333-82-0)
10. lead sulfochromate yellow (CAS No. 1344-37-2)
11. strontium chromate (CAS No. 7789-06-2)

The Ministry of Environment invited stakeholders to comment on above substances': harmfulness, primary use, and exposure information. The MoE also requested information on alternative materials and technologies for each use in the process of application or development and the types of individuals that could be exposed to the chemicals and information on the socio-economic impact of designating the chemicals as substances subject to permit. Any opinions on these 11 candidate substances can be submitted via the link below:

www.chemnavi.or.kr.

North America

United States

State of California:

CA Prop 65 consists of three new chemicals.

Effective January 27, 2023, [the Office of Environmental Health Hazard Assessment \(OEHHA\) added](#) 1-bromo-3-chloropropane (CAS RN 109-70-6), 1-butyl glycidyl ether (CAS RN 2426-08-6), and glycidyl methacrylate (CAS RN 106-91-2) to the list of chemicals known to the State of California to cause cancer for purposes of Proposition 65. The warning requirement for significant exposures to these chemicals will take effect on January 27, 2024.

California Relists BPA as a Reproductive Toxicant Under Prop 65

[California's Office of Environmental Health Hazard Assessment \(Oehha\) announced](#) that the California Carcinogen Identification Committee (CIC) rejected the listing of bisphenol A (BPA) as a carcinogen under Proposition 65 (Prop 65) at its December 14, 2022, meeting. BPA has been otherwise listed as a reproductive toxicant on Prop 65 since December 2020.

The decision has no impact on the current listing of BPA under Prop 65 as a developmental and female reproductive toxicant. In accordance with this decision, companies will not be required to indicate an additional cancer hazard when issuing warnings about exposure to the substance.

State of Maine:

Maine Bans PFAS-Containing Products as of January 2023

Effective January 1, 2023, products sold, offered for sale, or distributed for sale in Maine which contain intentionally added PFAS must be reported to the Department of Environmental Protection (DEP). Initially, the restrictions will only impact certain products, such as carpets, rugs, or fabric treatments, however, gradually all products containing intentionally added PFAS sold in Maine, including imported products, will need to be reported to a digital database.

According to the DEP, "any chemical containing at least one fully fluorinated carbon atom, which is a carbon atom on which all the hydrogen substituents have been replaced by fluorine, that is intentionally added to a product must be reported to the Department regardless of whether it is found on any list".

This will apply to manufacturers of products sold, offered for sale, or distributed for sale in the State of Maine containing intentionally added PFAS. These manufacturers are required to report to the DEP.

Canada

Labelling of toxic substances in products, including toxic flame retardants: Notice of Intent Consultation

On October 29, 2022, the Canadian federal government has published a "Notice of intent on the labelling of toxic substances in products, including toxic flame retardants". The proposed rule requires the labelling of certain substances that are listed on the List of Toxic Substances of the Act (Schedule 1) in certain products, e. g. cosmetics, cleaning products and flame retardants in upholstered furniture.

The criteria for deciding which substances would require labelling are still to be developed.

The public consultation ended on January 12, 2023.

This will apply to companies manufacturing concerned products: cosmetics, cleaning products and flame retardants in upholstered furniture.

Europe

European Union

New Rules on Persistent Organic Pollutants

On 29 December 2022, the [new Regulation on Persistent Organic Pollutants \(POPs\)](#) came into force, providing for a legally binding obligation to protect human health and the environment from some of the most dangerous chemicals contained in waste. Although POPs are generally no longer used in new products, they are still found in waste resulting from disposal of some industrial and consumer products after the end of their service life.

The new Regulation introduces, for the first time, limits for some of these chemicals in waste and tightens them for others which were already regulated. Existing limits have been tightened for five substances and new limits have been agreed for four new substances that can be found for example in waterproof textiles and fire-fighting foams, in treated woods and others. Limiting the presence of these chemicals in waste will prevent them from re-entering the economy.

Regulation will apply 6 months after its entry into force on 29 December 2022.

European Commission consults on proposed RoHS exemption - Mercury restrictions

[Companies can comment on a proposal](#) to introduce a RoHS exemption for the use of mercury in melt pressure transducers for specific capillary rheometers. The proposal follows an assessment according to which the substitution of mercury in melt pressure transducers for capillary rheometers at temperatures over 300°C and pressures over 1000 bar are currently scientifically and technically impracticable.

If adopted as planned, exemption 49 would be added to Annex IV of the RoHS Directive. The exemption would apply to Category 9 and would expire on 31 December 2024 (unless subject to renewal).

European Commission consults on proposed RoHS exemption – Lead restrictions

The EU Commission is also seeking comments on a proposed delegated directive that would exempt lead as a thermal stabilizer in polyvinyl chloride (PVC) used as base material in amperometric, potentiometric and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of creatinine and blood urea nitrogen in whole blood.

If adopted as planned, exemption 41a would be added to Annex IV of the RoHS Directive. The exemption would apply to Category 8 and would expire on 31 December 2023 (unless subject to renewal).

New exemption added to EU RoHS

Annex III of the EU RoHS Directive has been updated following the assessment of an exemption request. A new exemption has been added in the form of:

9(a)-III Up to 0.7 % hexavalent chromium by weight, used as an anticorrosion agent in the working fluid of the carbon steel sealed circuit of gas absorption heat pumps for space and water heating. This applies to category 1 and expires on 31 December 2026.

Member States shall apply the provisions as of 1 September 2023.

EU agrees new law on more sustainable and circular batteries

In December 2022 the European Parliament and Council reached a provisional agreement on the revision of the EU Batteries Directive 2006/66/EC. The new Regulation, which will be directly applicable in all EU Member States, will cover the whole battery life cycle of all batteries sold in the EU. Amongst other measures, the Regulation foresees that minimum levels of recovered cobalt (16%), lead (85%), lithium (6%) and nickel (6%) from manufacturing and consumer waste must be reused in new batteries. Regulation will apply to manufacturers and importers of batteries in the EU.

Designing mobile phones and tablets to be sustainable – ecodesign

On 18 November 2022 the European Commission and the Member State representatives have agreed on the final text of the Regulation eco-design requirements for mobile phones, cordless phones and slate tablets. Amongst other requirements, the proposal introduces marking obligations for plastic components. Plastic components heavier than 50 g shall be marked by specifying the type of polymer with the appropriate standard symbols. Additionally, Manufacturers and importers shall provide the indicative weight range for certain critical raw materials and environmentally relevant materials such as cobalt, in batteries, tantalum in capacitors, neodymium in loudspeakers and other components and gold in all components (with specific weight ranges applying).

Adoption is planned for early 2023 and will affect manufacturers/importers marketing affected products (mobile phones, cordless phones, slate tablets) in the EU.

United Kingdom

Great Britain requires new SDS format from January 2023

Effective 1 January 2023, the United Kingdom will require two separate SDSs to comply with laws of the post-Brexit Britain and the Northern Ireland Protocol.

The current SDS format will remain in place in Northern Ireland only and will continue to comply with EU REACH regulations. In the meanwhile, a new format will be needed for the countries of England, Scotland, and Wales, which will abide by the laws of the United Kingdom and Great Britain REACH regulations.