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2009 - A Bigger Year for Regulatory Changes than for Regulatory Spending

by Andrew Dsida

2009 was one of the most challenging macro-economic years in the last several decades. It was also a year with almost unprecedented chemical regulatory activity. While much of the world was experiencing negative GDP growth and double-digit inflation, GHS continued to expand in Asia, Europe and, somewhat suddenly, even in the United States. REACH activity in Europe was joined by the announcement of major TSCA initiatives in the United States. More subtly, but perhaps even more powerfully, a world-wide Green movement that covers a variety of topics from climate change and greenhouse gas emissions to eco-labeling and pesticide free diets created a public consciousness for the regulation of harmful chemicals.

The end result may be an exacerbation of the mismatch of EH&S needs and EH&S resources to meet those needs. The common corporate mandates for fiscal control and staff downsizing over the past year have cost many companies crucial time in building up the internal EH&S expertise and the accompanying IT systems they need to traverse the increasingly complex regulatory landscape. The significant increases in EH&S spending and activity that had been occurring over the past several years was put on hold during 2009. Eventually it will come back, and at an even more frenzied pace. The question nobody can know for sure is exactly when that point will be.

That's why regardless of the macro-economic environment ChemADVISOR has been, and will continue to be, building our knowledge base and the software systems required to collect and distribute that knowledge.



See
ChemADVISOR's
John Kowalski
talk about TSCA
reform

REACH - 2009 Wrap up and 2010 Outlook

By Wolfgang Urhahn

In 2009, companies in and outside Europe began their work in SIEFs or tried to make the SIEFs for their substances work. ECHA launched a campaign during its second Stakeholder's Day in May 2009 to encourage the formation of SIEFs and to support data sharing. Sharing data and information on substances is new for many companies, but in the meantime it is well understood. Not only does the data sharing process reduce the amount of animal testing, it also will save companies money and time. ECHA offered several workshops for Lead Registrants to contribute their part to get the SIEF process going and make the implementation of REACH a success. The workshop information is available for all on ECHA's website after each event. Although these workshops focus on Lead Registrants, the information is also useful for any company or potential registrant preparing a registration dossier. In the meantime, almost 2,100 companies submitted their Lead Registrant notifications to the Agency. Additional workshops are scheduled for the first half of 2010. More detailed information regarding time and content is available on the events section of the ECHA website.

In April 2009, ECHA together with the Member State Competent Authorities started the first coordinated REACH enforcement project, REACH-ENFORCE1. Over 850 inspections took place in 28 participating countries; the operational phase of the project will end by December 31, 2009. In a first comment, the REACH Enforcement Forum at ECHA stated that the level of compliance is good.

But remember, REACH-ENFORCE1 enforces the main principle of REACH: no data, no market, as will the next project. The preparation work for the second enforcement project will start within the next days. In 2010, REACH-ENFORCE2 will focus on the REACH compliance of downstream users, especially on manufacturers of mixtures.

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Brazil Embarks on GHS Implementation

By Darlene Susa-Anderson

ABNT recently published four standards that directly relate to GHS implementation in Brazil. The four standards are as follows and replace ABNT NBR 14725: 2005.

- ABNT NBR 14725-1: 2009 Terminology
- ABNT NBR 14725-2: 2009 Hazard Classification System
- ABNT NBR 14725-3: 2009 Labelling
- ABNT NBR 14725-4: 2009 Safety Data Sheets for Chemicals (SDS)

These standards are based primarily on Revision 1 of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) aka the Purple Book, with some inclusions from Revision 2 of the Purple Book.

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Focus On: Melissa Delaney

ChemADVISORY (CA): Melissa, please tell us a little bit about your educational and employment background.

Melissa (MD): I have a BS in Chemistry from Middle Tennessee State University. Before entering the world of Hazard Communication, I worked in a medical laboratory for over a year. I joined Occupational Health Services (OHS) in Nashville, TN in 1994. At OHS I held several positions in the authoring department. I was an MSDS Author, client liaison, and a manager.

CA: How long have you been with ChemADVISOR?

MD: One year and seven months.

CA: What do your daily duties at ChemADVISOR involve?

MD: My duties include MSDS authoring, label creation, answering hazard communication questions from clients, and working with our authoring team to ensure good customer service.

CA: What aspect of your job do you find most challenging?

MD: Staying current with the regulatory changes that are happening all over the world. Fortunately, ChemADVISOR is dedicated to ensuring that we have the most current information and resources available.

CA: What aspect of your job do you find most rewarding or enjoyable?

MD: Having interaction with customers and our internal employees. We have a very diverse group of professionals that are very knowledgeable and interesting.

CA: What do you feel is the single most important aspect of your job?

MD: Customer service is very important in my job. Part of that is having good communication with our clients and our internal resources.

CA: What training do you feel would improve your ability to do your job on a daily basis?

MD: As REACH and GHS are being adopted and implemented, continued training will be important. I am fortunate to have access to the ChemADVISOR training courses.

CA: If you could be employed in any other career what would you do?

MD: I enjoy what I am doing, but I would be interested in interior design if I had to reinvent myself. I enjoy watching home improvement shows and trying new things in my own home.

CA: What career would you never want to try?

MD: Any career that would have no interaction with other people.

CA: Melissa, what do you like to do when you are away from the office?

MD: I enjoy spending time with my family. We are always busy with sports and school activities. I also enjoy reading, gardening, and baking.

REACH - 2009 Wrap up and 2010 Outlook

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In 2009, Belgium adopted an amending act to bring sustainable production and products legislation in line with REACH. The amending Act was adopted in order to put into place sanctions for infringements of Regulation EC/1907/2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), which must be done by all Member States in order to implement the provisions of the Regulation. Also, on October 13, 2009, Portugal adopted Decree Law 293/2009 ensuring the implementation of the REACH Regulation EC/1907/2006. The law classifies offenses to the provisions of the REACH regulation, sets the applicable fines and clarifies that the Safety Data Sheet (SDS) must be written in Portuguese and prepared according to the guidelines published in Annex II to the REACH Regulation. The Portuguese Environment Agency (APA), the Directorate General for Economic Affairs (DGAE) and the Directorate General of Health (DGS) have been designated as the competent authorities in respect of the application of REACH Regulation in Portugal.

In December 2009, ECHA's Member State Committee has identified 15 new substances for the Candidate List of Substances of Very High Concern (SVHC). The Candidate List will be updated in January 2010. Decisions on the need to subject these substances to Authorization will be made later. The new substances are listed on the ECHA website. The Member State Committee also agreed on a first testing proposal from ECHA which was submitted by a registrant. The Committee agreed that the registrant has to carry out tests for viscosity, aquatic toxicity, repeated dose toxicity and reproductive toxicity. Although the registrant proposed to use read-across from another substance, all members of the Committee agreed that the tests are necessary. In 2010, the Member State Committee will continue to identify Substances of Very High Concern. The next deadline for proposals is February 2010.

The ECHA Board of Appeal received on September 16, 2009 its first appeal which opposes an ECHA decision to reject a registration dossier submitted by the appellant. The summary of the first appeal is available on the ECHA website in the appeal section.

The new CLP Regulation on Classification, Labelling and Packaging of substances and mixtures comes with the obligation to submit a Classification & Labelling Notification to ECHA. Manufacturers and importers of substances placed on the EU market on December 1, 2010 must submit a C&L Notification to the Agency by

January 3, 2011. With the received information ECHA will create a new Classification and Labelling Inventory. The Inventory will be available to the public on ECHA's website. ECHA also published a new CLP brochure titled 2010 - Time to Reclassify Your Chemicals on the Agency's website. A new, joint network of REACH and CLP (Classification, Labelling and Packaging) helpdesks has been formed and is called Help Net. The new network will provide consistent, harmonised answers and the best possible advice to industry seeking to fulfill their obligations under the REACH and CLP Regulations.

In 2009, ECHA published a new series of guidance documents, the Guidance in a nutshell documents. It is a series of shortened versions of the REACH Guidance Documents in order to make the corresponding Guidance Documents published by the Agency easier to understand for industry. These documents explain in an easy way the main elements of the full guidance to industry managers, including managers of small and medium sized enterprises. It will give readers a quick overview of the impact of the different aspects of REACH on their businesses. In the meantime, some of these documents have been translated into other official EU languages. The following guidance in a nutshell documents are available on ECHA's website: Guidance in a nutshell on requirements for substances in articles, Guidance in a nutshell on registration data and dossier handling, and Guidance in a nutshell on Chemical Safety Assessment.

According to REACH Article 20(2), registration dossiers and PPORD notifications are subject to a completeness check. One component of the check is the technical completeness check. The long awaited Technical Completeness Check Tool (TCC Tool) has been available since December 2009. The new plug-in for IUCLID5 allows registrants and notifiers to check if all elements required by the REACH Regulation have been provided in their registration dossier. ECHA urges all registrants to check by themselves the completeness of their registration dossier substance datasets before submitting them to the Agency. The plug-in software is available for download on the IUCLID website.

A new version of IUCLID 5, the latest IUCLID 5.2 software will be released in early 2010. The release of IUCLID 5.2 and the new versions of the CSR, Query Tool and the TCC plug-ins are scheduled for February 2010. Main modifications and corrections that will come with the IUCLID 5.2 version are: correction and enhancement of harmonized templates, an update of section 2.1 Classification and Labelling according to GHS to take into account the latest GHS revision as well as to incorporate the CLP Regulation, a modification to section 3.2 Manufacture, use and

exposure - Estimated quantities to allow registrants to provide more detailed information on tonnages, a revision of section 3.5 Manufacture, use and exposure - Identified uses and exposure scenarios and 3.6 Manufacture, use and exposure - Uses advised against for the reporting of uses, the modification of some endpoint summaries to allow the storage of parameters to be used to perform chemical assessments, specific enhancement regarding the creation of inquiry dossiers, and the modification of REACH related templates.

On December 18, 2009 ECHA started to publish information on safe use of chemical substances for the general public. The European Chemicals Agency has published on its website hazard and safe use information for registered chemical substances. The new database will give citizens the opportunity to make decisions about the use of chemicals or articles they purchase. The content of the database will continuously grow with the number of submitted registration dossiers.

Overall, the New Year 2010 will be a challenge for many companies since two legal deadlines are coming soon: the first registration deadline by November 30, 2010 and the deadline for submission of C&L Notifications by December 1, 2010.

References

ECHA Events/Webinars section:

http://echa.europa.eu/news/events_en.asp
http://echa.europa.eu/news/webinars_en.asp

ECHA Substances of Very High Concern/Proposals:

http://echa.europa.eu/doc/press/pr_09_15_msc_svhc_20091207.pdf
http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

ECHA Appeal section:

http://echa.europa.eu/appeals_en.asp

ECHA Registered Substances Database:

<http://apps.echa.europa.eu/registered/registered-sub.aspx>

REACH and CLP Help Net / List of National Helpdesks:

http://echa.europa.eu/help/nationalhelp_en.asp

CLP brochure:

http://echa.europa.eu/doc/clp/clp_leaflet_20091210.pdf

REACH Guidance In A Nutshell documents:

http://guidance.echa.europa.eu/guidance2_en.htm

REACH IUCLID5 website:

<http://iuclid.echa.europa.eu/>

Brazil Embarks on GHS Implementation

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There is an 18 month transition period beginning with the publication of these standards (August 26, 2009) making February 26, 2011 the end of the transition period.

Key Highlights – Classification – Health Hazards

The cut-off value for acute toxicity category 4, inhalation (gas) is shown as 5,000 ppm in ABNT 14725-2: 2009. Revision 3 of the Purple Book for this same category is set at 20,000 ppm.

In the Purple Book, discretion is provided to the competent authority to select thresholds at which supplemental labeling may be required for mixtures containing a sensitizing (skin/respiratory)/carcinogenic/reproductive toxic (includes effects on lactation category) component between 0.1 and 1%. Brazil has opted for the lower limit of 0.1% aligning exactly with the thresholds for SDS disclosure.

In the Purple Book, discretion is provided to the competent authority to select thresholds at which supplemental labeling may be required for mixtures containing a STOT Single Exposure/STOT Repeated Exposure component between 1 and 10%. Brazil has opted for the lower limit of 1% aligning exactly with the thresholds for SDS disclosure.

Key Highlights – Classification – Environmental Hazards

Since these standards do not reflect Revision 3 of the Purple Book, the building block – Hazardous to the Ozone Layer – is not included. The endpoints associated with Hazardous to the Aquatic Environment follow Revision 1. Thus Long-term or Chronic hazards to the Aquatic Environment are not subdivided into non-rapidly degradable and rapidly degradable categories.

In order to obtain copies of the standards, visit <http://www.abntcatalogo.com.br/normagrid.aspx>

You will be prompted to enter Brazilian company identification. If you do not have one, you must email ABIQUIM and request copies be forwarded to you. There is currently no charge to obtain these standards which are only available in Portuguese.

Turkey Establishes an Inventory

By Patricia Manteghi

The “Turkish Regulation on Inventory and Control of Chemicals” was published on December 26, 2008. It entered into force on January 1, 2009 and is administered through the Turkish Ministry of Environment and Forestry. The regulation was most recently amended on November 10, 2009. This latest amendment extended the due dates for submission to 2010 and added polymers to the exemptions for submission.

This law is influenced mainly by REACH Regulation (EC) 1907/2006 which requires that substances manufactured in the EU or imported into the EU in quantities greater than 1 ton per annum be notified.

The primary purpose of this Regulation is to protect human health and the environment from negative effects of chemicals for substances either manufactured in or imported into Turkey. This Regulation establishes a protective chemical inventory and control system, and includes administrative requirements, technical procedures and guidelines.

The scope of this regulation is:

- To collect, present and make information available on substances;
- To develop possible risk control policies to protect human health and the environment.

This regulation does not cover:

- The substances as long as they are not going through any process as the transits of these substances are subject to custom’s inspection;
- Substances produced or imported for use for military purposes.

The Regulation requires that manufactures and/or importers of substances present on their own or in preparations in quantities greater than 1 ton per annum submit information to the Ministry of Environment and Forestry.

For substances manufactured and/or imported in quantities of 1000 tons or more per annum individually or within preparations, the three years average of the imported/manufactured amount, from the date of enforcement of this regulation (December 26, 2008) should be submitted to the Ministry of Environment and Forestry no later than June 30, 2010.

From December 26, 2008, on, for a substance manufactured, for the first time, in the amount of 1000 tons or more, individually or in preparations, from the date the substance is manufactured/ imported for the first time, within a year, manufacturers/importers have to report the Ministry of the Environment and Forestry within two months, after a year from that date.

Data requirements differ depending on the tonnage bands.

The information requirements for substances manufactured and/or imported either individually or in preparations, in the amount of 1000 tons per annum and over are more substantial and are, as follows:

- Substance name, EC number and CAS number;
- Amount of the substance, manufactured, or imported;
- Classification, according to Table 2 of this Regulation. The classification must include the, hazard class, hazard symbol, risk phrases and safety phrases classification;
- Information on substances uses area;
- Data on physico-chemical properties of the substance;
- Data on the behavior of the substance in environmental media;
- Data related to substance’s ecotoxicity;
- Data related to substance’s acute and sub-acute toxicity;
- Data on substance’s carcinogenic, mutagenic, and/or toxic effects on the reproductive system;
- Other related information;

Manufacturers and importers, have to conduct necessary research in order to obtain all the existing information, for items (e) to (j), and forward the result to the Ministry. The manufacturers and importers are not obligated to do testing on animals for the non-existing information. The complete list of substances imported or manufactured, in excess of 1000 tons per annum, on their own or in preparations, will be published in an inclusive list by the Ministry.

For substances manufactured and/or imported in quantities of 1 ton but not exceeding 1000 tons per annum, individually or within preparations, from the date the regulation enters into force December 26, 2008, up to three preceding years, the three years average of the imported/manufactured amount, should be submitted to the Ministry till June 30, 2010.

From December 26, 2008 on, for a substance manufactured, for the first time, in the amount of 1 ton but not exceeding 1000 tons or more per annum, individually or in preparations, from the date the substance is manufactured/ imported for the first time, within a year, manufacturers/importers have to report the Ministry of the Environment and Forestry within two months, after a year from that date.

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Turkey Establishes an Inventory

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The information requirements for substances manufactured and/or imported either individually or in preparations, in amount of 1 ton per annum and over but not to exceed 1000 tons are as follows:

- Substance name, EC number and CAS number;
- Amount of the substance manufactured, or imported;
- Hazardous substances and preparations classification, according to Table 2 of this Regulation. The classification must include the hazard class, hazard symbol, risk phrases and safety phrases classification;
- Information on substances uses area.

The Ministry may require additional data (according to Table 2) from manufacturers and importers to satisfy the data requirements, i.e., physico-chemical, toxicology and eco-toxicology properties.

In case one substance is manufactured/ imported by more than one manufacturer/importer, any additional required information can be submitted through one assigned representative, base on their mutual agreement.

Additionally, other importers/manufacturers have to provide data (from 1.1 to 1.19 of Table 2 of Turkish Chemical Regulation) and provide the name of the manufacturer/importer representing them.

In order to submit the required data under low and high volumes requirements, importers/manufacturers have to use a special program package within the Ministries' website and submit the information electronically.

The following data should be submitted to the Ministry within one month in the case of an update:

- Change in use;
- Change in the substances' characteristics, (physico-chemical, toxicological and eco-toxicological properties);
- Revision to its classification, labeling and packaging;
- In case of obtaining new information regarding modification of substance's serious risk to human and the environment.

Furthermore, the importer/manufacture has to report related information regarding manufactured or imported volume to the Ministry, in case of modification to the volume, every three years.

In case the manufacturer/importer needs to keep the information confidential, he can request the Ministry in writing, not to provide these information to a third party.

Confidentiality claims are not permitted for the following matters:

- Substance name
- Data on physico-chemical properties of the substance
- Data among substance's environmental media's, movement and behavior
- Data on substance's carcinogenic, mutagenic, and/or toxic effects on the reproductive system
- Substance specification and emergency response methods, and information on necessary measurements
- Testing done on animals and necessary data to prevent repetition
- In case of the release of hazardous substance into the environment, determine the subjected hazardous substance, and prevent direct exposure to humans by analytical methods

Acceptance of the application for confidentiality is subject to the Ministry's written approval.

In order for importers/manufacturers, to provide the required information based on low and high volumes, the Ministry established a priority list for substances or substance groups which require specific attention due to their potential effects on human health and the environment.

To prepare a priority list the following matters are taking into consideration:

- The substance's effects on humans and the environment
- The substance's exposure to humans and the environment
- Insufficient data regarding to substance's effect on human and the environment
- Under Turkey's international contracts and within ongoing work of international organizations
- Other National Regulations on hazardous substances
- Special consideration is given to substances with chronic effects, especially carcinogenic and/or mutagenic effects and toxic effects on reproduction and/or to promote these effects, or to evoke suspicion

The Ministry performs risk assessments for substances on the priority list. The substances listed in the priority list will undergo a risk assessment under which the notifier may be required to provide further information.

This Regulation contains a list of substances that are exempted from the requirements established for low and high volumes.

- Also exempted from requirements set forth in this regulation, are substances that are found in their natural state in nature, and did not undergo any change chemically; such as minerals, jewels, jewel extracts, cement slag, natural gas, fluid petroleum gas, condensate natural gas, processed gases and their components, raw petroleum, coal and coke.
- Basic chemical substances, whose hazards and risks are known: Hydrogen, Oxygen, Nobel gases (Argon, Helium, Neon, Xenon, and Nitrogen)
- Polymers

References

Regulation on Inventory and Control of Chemicals Published through, Turkish Gazette Nr.27092, on December 26, 2008, and its amendment Nr.27402, on November 10, 2009.

<http://rega.basbakanlik.gov.tr/main.aspx?home=http://rega.basbakanlik.gov.tr/eskiler/2008/12/20081226m1.htm&main=http://rega.basbakanlik.gov.tr/eskiler/2008/12/20081226m1.htm>

<http://rega.basbakanlik.gov.tr/main.aspx?home=http://rega.basbakanlik.gov.tr/eskiler/2009/11/20091110.htm&main=http://rega.basbakanlik.gov.tr/eskiler/2009/11/20091110.htm>

ChAMP Superseded by Comprehensive Approach

By John J. Kowalski, CHMM

The EPA's Chemical Assessment and Management Program (ChAMP), which has been the subject of four previous ChemADVISORY articles, has been superseded by the comprehensive approach to enhancing the Agency's current chemicals management program.

On September 29, 2009, EPA Administrator Lisa P. Jackson released a set of Essential Principles for Reform of Chemicals Management Legislation (Principles). EPA stated that these Principles were provided to help inform efforts underway in the Congress to reauthorize and strengthen the Toxic Substances Control Act (TSCA). On this same date, Administrator Jackson announced a comprehensive approach to enhance the Agency's current chemicals management program within the limits of its existing authorities under the TSCA. This comprehensive approach encompasses a wide range of actions that the Agency is planning to take based upon its existing authorities under TSCA Sections 4, 5, 6 and 8, examples of which are provided below.

EPA plans to initiate rulemaking under TSCA Section 6:

- to ban the use of lead weights in tires
- to phase out or ban the use of mercury in a range of switches, relays, measuring devices, and other products; and
- to reevaluate the regulations governing PCB use and distribution in commerce

The Agency also plans to initiate rulemaking under TSCA Sections 4, 5, and 8 including, but not limited to, the following:

- publishing test rules under Section 4 on unsponsored High Production Volume (HPV) Challenge Program chemicals (HPV orphans), as well as sponsored chemicals for which data gaps still exist, and several manufactured nanoscale materials
- publishing Significant New Use Rules (SNURs) under Section 5(a)(2) on Monoglyme (CASRN 110-71-4), Diglyme (CASRN 111-96-6), Ethylglyme (CASRN 629-14-1), two substances identified generically as Multi-walled carbon nanotubes (P-08-177) and Single-walled carbon nanotubes (P-08-328), and certain HPV chemicals
- proposing modifications to the Inventory Update Reporting (IUR) rule under Section 8; and
- developing a proposed rule under Section 8(a) to require companies to report data on nanoscale materials to include: existing uses, production volumes, specific physical properties, chemical and structural characteristics, methods of manufacture and processing, exposure and release information, and available health and safety data

Under the comprehensive approach, EPA also intends to produce chemical action plans which will target the Agency's risk management efforts on chemicals of concern. These action plans, which will be based on EPA's review of available hazard, exposure, and use information, will outline the risks that each chemical may present, as well as the specific steps that the Agency will take to address those risks.

Finally, EPA intends to increase transparency and public access to information about chemicals and to formally engage stakeholders and the public in a dialog regarding the means by which chemicals will be prioritized for future risk management actions.

Additional information regarding EPA's comprehensive approach to enhancing the current chemicals management program can be found on the Agency's website at:

<http://www.epa.gov/oppt/existingchemicals/pubs/enhanchems.html>.

References

Environmental Protection Agency. "EPA Administrator Jackson Unveils New Administration Framework for Chemical Management Reform in the United States." News Release. September 29, 2009.

OSHA Announces Informal Public Hearings on the Proposed Rule for the Hazard Communication Standard

By Darlene Susa-Anderson

In the December 29th, 2009 issue of the Federal Register, OSHA announced its schedule for three informal public hearings on its proposal to revise the Hazard Communication Standard. The dates and locations are as follows:

March 2, 2010 in Washington D.C.

March 31, 2010 in Pittsburgh, Pennsylvania

April 13, 2010 in Los Angeles, California

Only the specific location for the March 2 hearing is identified in this announcement. The specific locations for the March 31 and April 13 locations will be announced through a future Federal Register notice.

Interested individuals who plan on presenting testimony or questioning witnesses during any of these public hearings must submit a notice no later than January 18, 2010 to OSHA.

This announcement can be found at: <http://edocket.access.gpo.gov/2009/pdf/E9-30713.pdf>

Canada Deletes Ineligible Substances from the Domestic Substances List

By Tammy J. Murphy

Per subsection 66(4) of the Canadian Environmental Protection Act, 1999 (CEPA, 1999), if a substance does not meet the criteria for inclusion on the Domestic Substances List (DSL), per subsection 66(1) of CEPA, 1999, the Minister of the Environment must delete that substance from the DSL. These substances may then be added to the Non-Domestic Substance List (NDSL).

In 2006, the Minister published a Notice of intent to delete 1105 substances from the DSL as an audit showed these substances did not meet the specified criteria. During the subsequent comment period, interested parties could submit information and substantiating proof that the proposed deletions did meet the DSL criteria. After review of the comments, the Minister made decisions on the 1105 substances which included keeping them on the DSL, deleting them from the DSL and adding them to the NDSL, or deleting them from the DSL and not adding them to the NDSL. 88 substances remain on the DSL; over 500 have already been deleted from the DSL and added to the NDSL while 3 were deleted from the DSL but not added to the NDSL. For the over 450 remaining substances, information was received that indicated their existence in Canadian commerce. However, not enough substantiating information was received to prove these substances met the criteria of subsection 66(1) for inclusion on the DSL. As a result, orders were issued to delete these substances from the DSL while subsequently adding them to the NDSL.

The complete text of the order amending the DSL can be found in the December 23, 2009 issue of the *Canada Gazette*, Part II - <http://canadagazette.gc.ca/rp-pr/p2/2009/2009-12-23/pdf/g2-14326.pdf>

The complete text of the order amending the NDSL can be found in the December 19, 2009 issue of the *Canada Gazette*, Part I - <http://canadagazette.gc.ca/rp-pr/p1/2009/2009-12-19/pdf/g1-14351.pdf>

Washington State Developing a List of Chemicals of High Concern for Children

By *Laura Brown*

In 2008, the state of Washington passed the Children's Safe Products Act (CSPA) consisting of two parts. The first part, limiting the amount of lead, cadmium, and phthalates in children's products sold in Washington became effective July 1, 2009. The second part of the act will require manufacturers to notify the Washington Department of Ecology if their products contain certain high priority chemicals. Currently, rule making is under way to establish these chemicals of high concern for children (CHCCs) and establish requirements to implement the CSPA.

Thus far, the rule making activity includes the rule pre-proposal which was filed in May 2009, the Children's Safe Product Act Report published July 2009, and an advisory group meeting in September 2009. Pilot rule development and implementation is expected to begin in early 2010 with a project report to be released in June 2010 so that decisions on how to proceed with a final rule can be reached in July.

The main task of the rule development is the identification of CHCCs. For this task, the Washington Department of Health (DOH) has also been enlisted. The figure below taken from the Children's Safe Product Act Report illustrates what will become the list of Chemicals of High Concern for Children. The work on the list is still on-going and will be open to public comment before the final list is published.

Manufacturers of children's products that contain high priority chemicals will be subject to the reporting requirement six months after adoption of the rule implementing the CSPA. Some children's products listed in the rule include toys, jewelry, feeding accessories, and car seats.

The CSPA can be found in Title 70 – Public Health and Safety, Chapter 240 – Children's Safe Products of the Revised Code of Washington (70.240 RCW).

The new rule will be adopted under Title 173 – Department of Ecology, Chapter 334 – Children's Safe Products Rule of the Washington Administrative Code (173-334 WAC).

References

Department of Ecology. State of Washington. Children's Safe Product Act Report. Publication No. 09-07-014. July 2009. Web.
<http://www.ecy.wa.gov/pubs/0907014.pdf>

Washington Department of Ecology
<http://www.ecy.wa.gov/>

Washington State Legislature
<http://apps.leg.wa.gov/rcw/default.aspx?cite=70.240>

New Zealand Publishes Discussion Paper – Proposals to Update Two Hazardous Substances Regulations

By *Darlene Susa-Anderson*

On November 18, 2009, New Zealand's Environmental Risk Management Authority (ERMA) in conjunction with New Zealand's Ministry for the Environment published a discussion paper outlining the need to update several Hazardous Substances Regulations to more closely align with Revision 3 of the Globally Harmonized System of Classification and Labelling also known as the Purple Book. Specifically, the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 and the Hazardous Substances (Classification) Regulations 2001 are under consideration for revision. These 2001 regulations were initially developed using draft proposals from the year 2000 for the United Nations Globally Harmonized System of Classification and Labelling. The Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 currently includes identification hazard thresholds and the Hazardous Substances (Classification) Regulations 2001 currently includes classification criteria.

In the 8 years between initial publication of these regulations and the release of Revision 3 of the Purple Book earlier this year, there have been numerous changes resulting in both regulations being out of alignment with its original intentions. Thus, this discussion paper poses seven questions for stakeholder response.

Also, included in the discussion paper is a comparison of between New Zealand's current classification criteria, revision 3 of the Purple Book and what is proposed for adoption in Australia and already adopted in the European Union.

The end of 2010 is the target date to have the final regulations in place if the New Zealand government decides to proceed with approval of the proposals. A transition period of 5 years is anticipated when the regulations are finalized.

The comment period for the discussion paper ends February 19, 2010.

For further information and access to the discussion paper, please visit:
<http://www.ermanz.govt.nz/hs/abouths/ghscriteria.html>

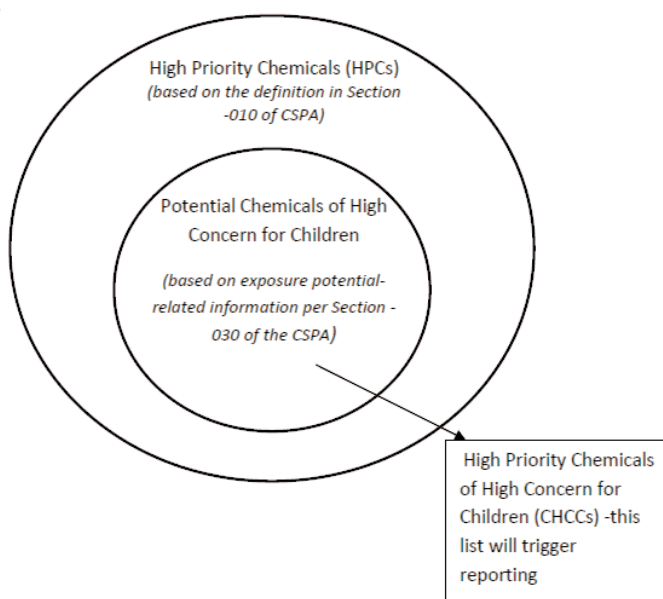


Figure 1. Conceptual approach to identifying chemicals for reporting under the CSPA.

EPA Issues Final Rule on GHG Emissions Reporting

By Amy Fikisz

On September 22, 2009 the EPA Administrator, Lisa Jackson, signed the final rule on greenhouse gas (GHG) emissions reporting. This rule requires all sectors of the economy to report their GHG emissions to the EPA if they are emitting 25,000 metric tons or more of carbon dioxide (CO₂) equivalent (mtCO₂e) per year.

Reporting of GHG emissions will be done at the facility level for all suppliers except for suppliers of fossil fuels, industrial greenhouse gases, as well as vehicle and engine manufacturers, which will report at the corporate level. Under the final rule, facilities and suppliers meeting these requirements will begin collecting data on January 1, 2010, and the first emissions reports are due on March 31, 2011.

The purpose of the GHG emissions rule is to collect accurate and timely data on GHG emissions that can be used to inform future policy decisions. The EPA estimates that 85% of all GHG emissions, from 10,000 facilities are covered by this rule. The estimated cost of reporting for a private sector under this rule is \$115 million in the initial year of reporting and \$72 million in the following years.

Some changes that the EPA has made to this rule from its initial proposal on April 10, 2009 include, but are not limited to, the program's applicability and how to exit the program. The following source and supply categories are not required to report GHG emissions at this time:

- Electronics manufacturing
- Ethanol production
- Fluorinated GHG production
- Food processing
- Industrial landfills
- Sulfur hexafluoride from electrical equipment
- Magnesium production
- Oil and natural gas systems
- Suppliers of coal
- Underground coal mines
- Wastewater treatment

In addition, there are now various ways for facilities and suppliers to cease annual reporting of GHG emissions to the EPA. Any company can cease reporting GHG emissions if:

- the facility or supplier has five consecutive years of emissions totaling less than 25,000 metric tons CO₂ equivalent (CO₂e)/year;
- the facility or supplier has 3 consecutive years of emissions totaling less than 15,000 metric tons CO₂ equivalent (CO₂e)/year; or
- the facility or supplier shuts down all GHG-emitting processes or operations.

In addition to facilities and suppliers, the EPA has also created a tool that individuals can use to determine the amount of GHG emissions in their daily life. The tool is split up into 3 sections:

- Section 1: Estimate your current total household emissions.
- Section 2: Explore actions you can take to reduce your greenhouse gas emissions, energy use, and waste disposal costs.
- Section 3: See how much you can save (in dollars and emissions) by taking the actions you chose in Section 2.

References

Environmental Protection Agency. "Mandatory Reporting of Greenhouse Gases – Fact Sheet." 12.23.09.

<http://www.epa.gov/climatechange/emissions/downloads09/FactSheet.pdf>

Environmental Protection Agency. "Frequently Asked Questions: Mandatory Reporting of Greenhouse Gases Rule." 12.23.09.

http://www.epa.gov/climatechange/emissions/ghg_faq.html#whichgasses

Environmental Protection Agency. "Household Emissions Calculator." 12.23.09.

http://www.epa.gov/climatechange/emissions/ind_calculator.html

Training Updates

By Jamie Lin Skeel

New Courses

With a new year comes new training courses at ChemADVISOR. A total of 3 new courses are being added to the calendar in the upcoming months.

- **REACH Moving Forward with Registration – CSA/CSR/ES/SDS** will be offered for the first time February 16-17, 2010. This 2-day course will cover the information requirements under REACH regarding substance properties, exposure, use and risk management measures, in the context of the chemical safety assessment. The aim is to help the course attendees with their preparation for fulfilling their obligations under the REACH Regulation.

- **TSCA PMN Preparation Process Course** is intended for those who need to learn how to prepare Premanufacture Notices (PMNs), Significant New Use Notices (SNUNs), and PMN Exemption Applications. This course will be offered during the second half of the year, starting in July.

- **GHS Awareness** - This half-day online course will provide basic information on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for those who need a better understanding of the hazard phrases and symbols used by GHS. It is meant to fulfill proposal provisions set out by OSHA that employees of manufacturers/importers must be trained on GHS within a two-year time frame upon release of the final rule for the revised OSHA Hazard Communication Standard. This final rule is expected to be released no earlier than March 2011.

Chemical Control: It's Not Just REACH Anymore

The webinar series, Chemical Control: It's Not Just REACH Anymore, will begin on January 14th from 9am - 10am EST. The focus for the first webinar will be Canadian Legislation. There are 6 webinars in the series. It's not too late to register for one (or all 6) of the webinars.

More information on upcoming courses can be found on the ChemADVISOR, Inc., website <http://www.chemadvisor.com/Training>.

OECD's High Production Volume Chemicals List Gets Revamped

By *Brigette R. Bartko*

The 2007 High Production Volume (HPV) list is compiled of chemicals that are produced or imported in quantities greater than 1000 tonnes per annum in at least one Member country or region. EC Regulation 793/93, which regulates the evaluation and control of the risks of existing substances, is utilized by Member countries to choose which chemicals should be included on this list and need to have hazard assessments for human health and the environment. Eight Member countries submitted information in addition to the previous HPV list. The hazard assessments are built on strict sets of data elements which are called Screening Information Data Sets (SIDS).

The purpose of the process is to look for chemicals that have probable hazards so that further research can be done on chemicals of concern. After the assessment and after the SIDS data is collected the Member country creates a SIDS Initial Assessment Report (SIAR) that will state any possible hazards from the chemical.

The latest HPV report is the 2007 OECD List of High Production Volume Chemicals. It was released on October 20, 2009 and replaces the 2004 OECD List of High Production Volume Chemicals. Multiple additions, deletions and data changes were made from the previous 2004 list.

References

OECD website
http://www.oecd.org/document/21/0,3343,en_2649_34379_1939669_1_1_1_1,00.html
<http://www.oecd.org/dataoecd/32/9/43947965.pdf>

EC Regulation 793/93 link
http://ecb.jrc.ec.europa.eu/legislation/1993R0793_EC.pdf

New Zealand Reviews Classifications

By *Lily Hou*

The Agency of ERMA New Zealand (Environmental Risk Management Authority New Zealand) is reviewing the classifications of about 40 chemicals in their 2009 Yearly Chemical Review program.

ERMA New Zealand published classifications for over 5000 approved chemicals in Transfer Notices: Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (updated in August 2008) and the Hazardous Substances (Chemicals) Transfer Notice 2006 (updated in June 2008). The purpose of the Yearly Chemical Review is to correct errors and inconsistencies in the classifications listed in the Transfer Notices which are not correct or inconsistent with internationally accepted classifications. The Agency chooses the "yearly" reassessment so that industry doesn't have to deal with changes throughout the year.

The chemicals affected are listed in Appendix 3 and 4 of the Application for a Modified Reassessment. Appendix 3 lists all the non-confidential substances with the approval number, current classification, proposed classification, justification for change, and controls affected by these changes. Confidential substances for reassessment are listed in Appendix 4.

Industry should be aware that some changes of classification will result in the need for changes to safety data sheets and labeling requirements. According to the proposal there will be a one-year-transitional-period for the industry to comply with the new classifications and controls.

To ensure all persons who may be affected by the yearly chemical review are notified of the application, the agency published the Application on ERMA New Zealand's website and called for public consultation in October, 2009. The consultation sought both comments on general process and implementation and issue with individual substances. The period for submissions was closed on November 20, 2009, but the Application is still downloadable from ERMA New Zealand's website:
<http://www.ermanz.govt.nz/hs/reassessment/YCR%20Application%20Form.pdf>

IMDG Errata/Corrigenda

By *Kevin Lapp*

The International Maritime Dangerous Goods Code (IMDG) has issued an errata/corrigenda to Amendment 34-08 of the code. The errata/corrigenda was issued December 1, 2009 and contains three pages of corrections to Amendment 34-08 which are mandatory as of January 1, 2010. One noteworthy (but minor) correction is to the marine pollutant mark in section 5.2.1.6.3. The fins have been removed so that it is now identical to the UN and ADR/RID Environmentally Hazardous Substance mark.



Old Marine Pollutant Mark



New Marine Pollutant Mark

For the complete text of all the corrections in the errata/corrigenda go to:
http://www.imo.org/includes/blastDataOnly.asp/data_id=27100/ig200e_errat

Canada Publishes Proposed Addition of Toxic Substances to Schedule 1 and Update on “Challenge” to Industry Batch Substances

By Tammy J. Murphy

Under the Canadian Environmental Protection Act, 1999 (CEPA, 1999), the Department of Health and the Department of the Environment have proposed the addition of 5 substances and two ‘subcategories’ of substances to Schedule 1, List of Toxic Substances, of CEPA, 1999. The addition of the substances is spelled out in three separate proposed regulations. These proposals would protect the health of its citizens and/or the environment by allowing the management of these substances through either regulatory framework, non-regulatory framework or a combination of both.

Canadian law requires scientific information on any new chemical substances to be submitted for assessment prior to use of new substances in Canada. However, many substances were in existence and in use prior to these laws being enacted. To address these “existing” substances, CEPA, 1999 mandated that all substances on the Domestic Substances List (DSL) be categorized to determine which presented the greatest potential for exposure or were persistent, bioaccumulative and inherently toxic. These substances required additional assessments, research, and control measures.

From the substances identified as needing additional follow-up, the Canadian Government identified approximately 200 substances and deemed these “high priorities for action.” This was the beginning of the Chemicals Management Plan (CMP). Under the CMP, the Government launched the “Challenge” to industry which all of the proposed additions were part of. Two of the three proposed regulations deal with substances that were part of the “Challenge.” All three proposals are entitled “Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999.” One proposal adds 3 substances to Schedule 1, the second proposal adds 2 substances to Schedule 1 and the final proposal adds 2 ‘subcategories’ of substances to Schedule 1.

Batch 4 of the Challenge encompassed a total of 18 substances. It was concluded that 3 of these substances met the criteria for toxic to human health and/or the environment of section 64 of CEPA, 1999. These 3 substances include the following:

- Sulfuric acid, diethyl ester
- Sulfuric acid, dimethyl ester
- Benzenamine, N-phenyl-, reaction products with styrene and 2,4,4-trimethylpentene.

The second proposal adds 2-Propenamide and Ethanol, 2-chloro-, phosphate (3:1) to Schedule 1. These two substances were part of the Batch 5 substances and it was concluded that these two met either/or the human health and ecological criteria for toxic under section 64 of CEPA, 1999.

The final proposal deals with two ‘subcategories’ of substances: Tributyltins and Tetrabutyltins. In 1993, ‘non-pesticidal organotin compounds were assessed as part of the Priority Substances List 1. At that time, this group was determined to be non-toxic to the environment but inconclusive in regards to human health toxicity. Health Canada performed a follow-up assessment which concluded that this particular category of compounds also did not present a risk to human health. However, through subsequent notifications via the New Substances Program for nine organotin substances determined “new” or “transitional,” these underwent additional assessments. It was determined that these tetrabutyltins and tributyltins met the criteria for toxic as defined by paragraph 64(a) of CEPA, 1999. And, it was also determined that tributyltins met the criteria for virtual elimination.

The proposed addition of these substances to Schedule 1 would allow the development of control measures and preventative management practices to manage these substances. There is a 60 day public comment period from the date of publication for each of the proposed regulations.

On a similar note, the final screening assessments and subsequent decisions and/or proposed risk management approaches have been published for 14 of the 18 substances of Batch 6 of the Challenge. A notice of intent to apply Significant New Activity notices was published on November 28, 2009 for three of the substances:

- 1-Propene, 3-chloro-
- 1,2-Benzenedicarboxylic acid, bis(2-methoxyethyl) ester
- 2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt.

For an additional 8 substances, it was also concluded that while current activities may not result in meeting the CEPA, 1999 section 64 criteria, that future new activities could. A notice of intent for these substances has not yet been published. One substance from Batch 6, Benzene, (chloromethyl)-, meets one or more of the section 64 criteria and is being proposed for addition to Schedule 1. The assessments are ongoing for the 4 remaining substances. There is a 60 day

public comment period from the date of publication for these substances.

And, the call for information and technical information relevant to Batch 12 substances of the Challenge has been published. Those persons described in Schedule 2 of the notice must provide the requested information in Schedule 3 for the Batch 12 substances by April 27, 2010.

The text of the three proposed regulations can be found in the October 3, 2009 issue of the *Canada Gazette*, Part I:
<http://canadagazette.gc.ca/rp-pr/p1/2009/2009-10-03/pdf/g1-14340.pdf>

The text for the Batch 6 substances can be found in the November 28, 2009 issue of the *Canada Gazette*, Part I:
<http://www.gazette.gc.ca/rp-pr/p1/2009/2009-11-28/pdf/g1-14348.pdf>

The text for the call for information and technical information for the Batch 12 substances can be found in the December 26, 2009 issue of the *Canada Gazette*, Part I:
<http://canadagazette.gc.ca/rp-pr/p1/2009/2009-12-26/pdf/g1-14352.pdf>

PHMSA Initiatives

By Kevin Lapp

HM-206F Final rule published 10/19/2009

In this final rule, PHMSA (Pipeline and Hazardous Materials Safety Administration) is amending the HMR (Hazardous Materials Regulations) to clarify requirements governing emergency response information services provided by arrangements with HM offerors (shippers). PHMSA will require basic identifying information (shipper name or contract number) to be included on shipping papers. PHMSA feels that this information will enable the emergency response provider to better identify the shipper on whose behalf it is accepting responsibility for providing emergency response information in the event of a HM incident. Voluntary compliance is authorized immediately. Mandatory compliance is required by 10/1/2010. For the complete text of the final rule go to - <http://edocket.access.gpo.gov/2009/pdf/E9-24799.pdf>

HM-ACCESS

PHMSA has launched an initiative called HM-ACCESS which stands for Hazardous Materials Automated Cargo Communications for Efficient and Safe Shipments. This initiative is PHMSA's attempt to use the latest tools and business practices to improve hazard communication accuracy and efficiency. PHMSA is joining with industry and emergency response organizations to evaluate the feasibility and potential benefits if electronic shipping papers were allowed in lieu of the current paper documents. This initiative aims to identify and eliminate barriers to the use of paperless tracking and hazard communication technologies. PHMSA feels that this will make improvements in the following areas:

1. Improve the availability and accuracy of hazard information for shipments and packages which are tracked electronically.
2. Improve the speed which information is available to emergency responders.
3. Improving the security of imported containers through better knowledge of shipments and reduced potential for diversion.
4. Allowing U.S. companies to compete more effectively in the global economy.

PHMSA will be initiating a Proof-of-Concept Study on this initiative and will be hosting a 'Needs Assessment' public meeting to develop a complete statement of work. The dates for the public meeting(s) have not yet been determined.

For more information on this initiative visit PHMSA web site at <http://www.phmsa.dot.gov/hazmat>

HM-215K ANPRM (Advanced Notice of Proposed Rule Making) published 10/21/09

PHMSA is considering amending the Hazardous Materials Regulations (HMR) by incorporating various amendments to international standards and modal regulations. The changes would encompass the following:

- Proper shipping names
- Hazard classes
- Packing groups
- Special provisions
- Packing authorizations

PHMSA feels these amendments may be necessary to harmonize the HMR with revised editions of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations and Manual of Tests and Criteria, the International Maritime Organization's Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air and Transport Canada's Transportation of Dangerous Goods Regulations.

Noteworthy amendments in the ANPRM by regulation are as follows:

Sixteenth Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations (UN Model Regulations)

- Classification of Sour Crude Oil: At the 33rd Session of the UN Sub-Committee of Experts in July 2008, it was noted that the transportation of sour crude oil may pose additional risks due to its inherent characteristic of "off-gassing" hydrogen sulfide, a highly toxic and flammable gas. Sour crude oil, as opposed to "sweet" crude oil, contains a high concentration of sulfur and is commonly found in North America. As a result, the UN Model Regulations were amended by assigning a new identification number and shipping description for sour crude oil with a flammable primary hazard and a toxic subsidiary hazard.

Additionally, a new special provision which specifies the Packing Group (PG) assignment was created for this entry based on the degree of danger presented by either the flammability or inhalation toxicity hazard of the sour crude oil. PHMSA is interested in comments addressing which hazard communication methods (e.g., package markings, shipping papers) and/or packaging requirements are most cost effective to reduce the hazards of transporting sour crude oil.

- Classification of Explosives: For several Division 1.4 explosive articles (UN0323, UN0366, UN0441,

UN0445, UN0455, UN0456, UN0460, and UN0500), the UN Model Regulations have been amended to require a Type 6(d) test to determine whether an article may be assigned to Compatibility Group S.

The amendments include revisions to the explosives testing standards in the UN Manual of Tests and Criteria and include a new special provision that would allow the use of the above mentioned hazardous materials table entries only if the results of test Type 6(d) successfully demonstrate that any explosive effects are confined within a package. PHMSA invites interested parties to provide data and information concerning the possible safety impacts of the new test provisions and compliance costs that would be incurred if the new test is adopted in the HMR.

- IBC Rebottling: Under the UN Model Regulations and the HMR, the replacement of the rigid plastic receptacle of a composite IBC is considered a "repair" under certain conditions and, thus, not subject to design qualification testing as a new or different design. The UN Sub-Committee of Experts issued an amendment to the UN Model Regulations that specifies a replacement bottle must be of the original tested design type, but limits the replacement to a bottle from the original manufacturer. PHMSA invites comments on this amendment to the UN Model Regulations and how, if adopted in the HMR, it would impact the use of IBCs in domestic or international commerce.

- Limited Quantities and Consumer Commodities: The HMR have long recognized the relatively low risk posed by the transportation of certain hazardous materials as limited quantities or consumer commodities. Considerable efforts have been made internationally to harmonize multi-modal standards with regard to the transport of limited quantities, including consumer commodities. PHMSA invites comments on this issue with regard to aligning the HMR with the UN Model Regulations for the domestic and international transport of limited quantities and consumer commodities.

- Conveyances: A metal hydride storage system is a single complete hydrogen storage system that includes a receptacle, metal hydride, a pressure relief device, a shut-off valve, service equipment and internal components. The current HMR do not specify packaging or shipping methods for metal hydride storage systems containing hydrogen. The UN Model Regulations, in new Packing Instruction P205, prescribe standards for the construction, qualification, marking and requalification of these systems. PHMSA invites comments on whether similar standards should be adopted in the HMR.

Continued on page 12

PHMSA Initiatives

Continued from page 11

- A number of additional amendments may be considered based on the changes that were adopted in the 16th revised edition of the UN Model Regulations. A complete record of amendments included in the 16th revised edition of the UN Model Regulations can be found at:

http://www.unece.org/trans/danger/publi/unrec/rev16/16files_e.html

2011–2012 Edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods (ICAO Technical Instructions)

- The ICAO Dangerous Goods Panel (ICAO DGP) has proposed a number of amendments to the 2011–2012 edition of the ICAO Technical Instructions and should have been finalized in November 2009. PHMSA will consider these amendments for adoption in the HMR under either this rulemaking or under docket HM–231A. A record of the proposed amendments to the Packing Instructions of the 2011–2012 edition of the ICAO Technical Instructions may be reviewed at:

<http://www.icao.int/anb/FLS/DangerousGoods/PackingInstructions/>

2010 Edition (Amendment 35–10) of the International Maritime Dangerous Goods Code (IMDG Code)

- Once PHMSA reviews the Maritime Safety Committee's amendments to the IMDG code they will consider them for adoption into the HMR. When available information regarding future IMDG Code amendments will be posted at:
<http://www.phmsa.dot.gov/hazmat/regs/international>

Amendments 6 and 7 to Transport Canada's Transportation of Dangerous Goods Regulations (TDG Regulations)

- PHMSA is considering updating 171.7 (matter incorporated by reference) to include Amendments 6 and 7 to the TDG regulations and is asking for public comment on authorizing their use under the HMR. The revised TDG Regulations (which include Amendments 6 and 7) can be found at:
<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>

PHMSA is not considering the following international harmonization issues under this docket.

- Requirements for Lithium Batteries: At this time PHMSA is not considering any amendments made to provisions for the carriage of lithium batteries in the UN Model Regulations for adoption in the HMR under this docket. PHMSA has initiated a separate rulemaking to consider a broad range of measures to enhance the safe transportation of lithium batteries under docket HM-224F.

- Amendments to Air Transportation Packaging Requirements: At this time PHMSA is not considering any amendments made to provisions for packaging of hazardous materials for transportation by aircraft made to the upcoming 2011–2012 ICAO Technical Instructions. These are being considered under a separate rulemaking (HM-231A).

- Requirements for Radioactive Materials: At this time PHMSA is not considering any amendments made to provisions for Class 7 (radioactive) materials in the UN Model Regulations for adoption in the HMR under this docket. Due to their complexity, PHMSA has initiated a separate rulemaking to address changes to provisions for the transportation of radioactive materials under docket HM–250.

Comments to DOT on this ANPRM must be received by 1/19/2010. For the complete text of the ANPRM go to <http://edocket.access.gpo.gov/2009/pdf/E9-25358.pdf>

NIOSH Releases Report on Control Banding

By Caroline Miller, CIH, CSP

In August 2009, the National Institute for Occupational Safety and Health (NIOSH) published "Qualitative Risk Characterization and Management of Occupational Hazards: Control Banding (CB) - A Literature Review and Critical Analysis." As part of NIOSH's mission to assess and provide technical solutions and promising intervention strategies to protect the safety and health of workers, NIOSH summarized the literature reviews of recent developments in exposure-characterization and risk-management strategies in occupational settings. The document provides a description and summary of control banding and also provides the basis for its use and limitations.

Currently, there are thousands of chemicals that do not have occupational exposure limits (OELs) established. It is not practical to assign OELs to every chemical or material that exists today. It is also not cost effective to assign OELs to research and development materials that may never be produced in a large quantity. Although OELs may not exist, employees' exposures to these materials must be considered and appropriate protective measures be implemented.

The control of employees' exposures to chemical hazards is achieved through the application of industrial hygiene principles. Engineering controls are the preferred method, supplemented by personal protective equipment and work practices. Engineering controls are usually selected by targeting a certain airborne level, such as OELs. Where OELs do not currently exist, chemicals can be placed into categories or control bands based upon actual or estimated toxicological, physical and chemical effects. CB is the application of engineering controls to materials that are assigned a hazard "band". CB focuses resources on protecting workers through engineering controls, rather than focusing resources on pinpointing an acceptable employee exposure level. As new chemicals, such as nanomaterials, are developed every day, they can be assigned a band and the appropriate engineering controls can be selected. The bands are numbered 1 through 4, with 1 being assigned those chemicals that are less hazardous and 4 assigned to highly hazardous chemicals.

The document includes recommendations on CB if it is to be useful in the United States, including increasing awareness and standardization; ensuring validation; expanding the model; disseminating control banding; and promoting national and international coordination and collaboration.

NIOSH has concluded that CB is a potentially valuable tool; however, additional development, evaluation, and discussion are required before effective application. NIOSH recommended that a taskforce of safety and health professionals, labor and management, and government representatives be established to advance the research and development needs for CB in the United States.

Reference

National Institute for Occupational Safety and Health (September 2009). Qualitative Risk Characterization and Management of Occupational Hazards: Control Banding (CB) - A Literature Review and Critical Analysis.
<http://www.cdc.gov/niosh/docs/2009-152/pdfs/2009-152.pdf>.

The Environmental Protection Agency's (EPA) Endocrine Disruptor Screening Program (EDSP)

By Panagiotis Mikroudis

On October 21, 2009, the EPA released the EDSP Tier 1 battery of assays and test guidelines for conducting the assays. The intention of the Tier 1 EDSP was to identify several screening assays (in vitro and in vivo) to ascertain the potential of chemical substances to interact with the following hormones: estrogen (E), androgen (A), and thyroid (T). The EPA released a final initial list of 67 chemicals to go through Tier 1 testing (the entire list can be found at:

<http://www.epa.gov/scipoly/oscpendo/pubs/prioritysetting/finallist.html>). The substances on this list are considered High Production Volume (HPV) chemicals and are generally used as pesticide inerts.

To determine if a chemical substance is a potential endocrine disrupter, a weight-of-evidence approach will be taken from the results of the Tier 1 assays along with other scientifically relevant information. Once chemicals have gone through the Tier 1 testing, if any have been discovered as potentially interacting with E, A, or T the next step in the process of the EDSP is where the EPA will determine which Tier 2 tests are required. Tier 2 tests have been designed to provide a quantitative relationship between the dosage of the chemical given, and the adverse effects it has on the E, A, or T hormones. However, the validation of the Tier 2 test is still ongoing process which is expected to be completed sometime in 2011.

The entire Tier 1 process was submitted to the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP). The FIFRA SAP has recommended that the EPA continue to develop and refine the process, but overall the Tier 1 assays are appropriate to begin the screening of these chemicals. This means that the EPA will issue orders for Tier 1 testing to companies from October 29, 2009 to February 26, 2010 under the EPA section 408(p)(5) of the Federal Food, Drug, and Cosmetic Act (FFDCA). The test results are due within 2 years of the date the order has been issued. To determine if you or your business are affected by the legislation, you should review section 408(p)(5) of FFDCA, 21, U.S.C 346a(p). The detailed protocols of the test guidelines are available at:

http://www.epa.gov/opptsfrs/publications/Test_Guidelines/series890.html). Some examples of areas affected by this legislation are: chemical manufactures, chemical importers, agricultural chemical manufactures, and scientific research and development services. For further information or concerns contact Don Bergfelt at:

Office of Science Coordination and Policy (7203M),
Environmental Protection Agency,
1200 Pennsylvania Ave. NW, Washington DC 20460-0001

E-mail address: bergfelt.don@epa.gov

References

"Endocrine Disruptor Screening Program (EDSP)." Environmental Protection Agency (EPA). 17 DEC 2009. Web. 28 Dec 2009.

<http://www.epa.gov/endo/>

OSHA Issues Combustible Dust Proposed Rule

By Brenda J. Duncan

The U.S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA), published an Advanced Notice of Proposed Rulemaking (ANPR) on October 21, 2009 on combustible dust. Public comments in response to this ANPR are to be submitted to OSHA by January 19, 2010. Informal stakeholder meetings were already held on December 14, 2009 in Washington D.C. The agency plans to hold additional meetings in the early part of 2010, after the ANPR comment period has closed.

This ANPR addresses the first of five recommendations from the 2006 U.S. Chemical Safety Board combustible dust study "Issue a standard designed to prevent combustible dust fire and explosions in general industry. Base the standard on current National Fire Protection Association (NFPA) dust explosion standards (including NFPA 654 and NFPA 484) and include at least:

- hazard assessment
- engineering controls
- housekeeping
- building design
- explosion protection
- operating procedures
- worker training."

OSHA does not have a single standard that addresses the combustible dust hazard across all industries. The Agency is considering a variety of regulatory approaches to eliminate or mitigate this hazard. Public comments on the numerous issues will help OSHA decide how best to protect workers.

All currently submitted comments can be viewed at <http://www.regulations.gov> by searching for Docket No. OSHA-2009-0023.

References

http://www.osha-slc.gov/pls/oshaweb/searchresults.category?p_text=combustible%20dust&p_title=&p_status=CURRENT

EPA Proposes SNURs for Certain Carbon Nanotubes

By John J. Kowalski, CHMM

On November 6, 2009, the U.S. Environmental Protection Agency (EPA) proposed significant new use rules (SNURs) under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) for two chemical substances which were the subject of premanufacture notices (PMNs). The two substances are identified generically as Multi-walled carbon nanotubes (P-08-177) and Single-walled carbon nanotubes (P-08-328).

Both of these substances are subject to TSCA Section 5(e) consent orders. The consent orders require protective measures to limit exposures or otherwise mitigate potentially-unreasonable risks. The proposed SNURs on these substances, which are based upon and consistent with the provisions in the underlying consent orders, designate as a "significant new use" the absence of the protective measures required in those consent orders.

These proposed SNURs would require persons who intend to manufacture, import, or process either of these two substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification would provide the Agency with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

These proposed SNURs were originally published as direct final SNURs on June 24, 2009, but EPA subsequently received a notice of intent to submit adverse comments on these SNURs. Therefore, the Agency withdrew the direct final SNURs, as required under the expedited SNUR rulemaking process, on August 21, 2009. Comments on the proposed SNURs were required to be submitted on or before December 7, 2009. When finalized, the proposed SNURs will be codified at 40 CFR §§721.10155 and 721.10156.

References

Environmental Protection Agency. "Proposed Significant New Use Rules on Certain Chemical Substances." Federal Register 74 (6 November 2009): 57430-57436.

Kowalski, John J. "Recent Developments Under the TSCA." ChemADVISORY 48 (October 2009): 9.

REACH/CLP Q&A

By Wolfgang Urhahn

Q: What is CLP?

A: CLP stands for Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures. The CLP Regulation amends and repeals Directives 67/548/EEC and 1999/45/EC, and amends REACH Regulation (EC) No 1907/2006. The CLP Regulation implements the 2nd edition of the United Nations Globally Harmonised System of classification and labelling of chemicals (GHS) into EU legislation. The CLP Regulation came into force on January 20, 2009 and will replace the Dangerous Substances Directive 67/548/EEC (DSD) and the Dangerous Preparations Directive 1999/45/EC (DPD) in a step by step process during a transitional period.

Q: What does C&L Notification mean?

A: C&L Notification means submission of a notification to the Classification & Labelling Inventory at ECHA and requires substance classifications according to the new CLP criteria of Regulation (EC) No 1272/2008.

Q: Which substances are subject to C&L Notification?

A: C&L Notification applies to two groups of substances: 1. substances which are subject to Registration under REACH and applies to substances with regard to tonnage; 2. substances which fall under the general scope of the CLP that meet the criteria for classification as hazardous without regard to tonnage.

Q: When should companies notify substances to ECHA?

A: Substances placed on the market on or after December 1, 2010 must be notified within 30 days after being placed on the EU market. Substances currently on the EU market must be notified by all manufacturers, importers, or groups of manufacturers or importers by December 1, 2010, which means the first notification deadline will be January 3, 2011.

Q: What does a C&L Notification include?

A: Information to be included in Notification, according to CLP article 40(1) is: Identity of the notifier, Identity of the substance or substances, Classification of the substance or substances, Explanation to account for endpoints which are not assigned to the substance in the classification, Specific concentration limits or m-factors if applicable complete with a justification, and Label elements (Hazard pictograms, Signal words, Hazard statements).

Q: How can companies submit C&L Notifications to ECHA?

A: C&L Notifications shall be submitted electronically via REACH-IT. Currently REACH-IT does not offer this functionality. ECHA is currently working on the C&L Notification tool for REACH-IT. But, industry can already submit its C&L Notification using IUCLID 5.1, which is not fully in line with the new CLP. New notification submission tools will be available in February 2010 when IUCLID 5.2 is released.

Q: Where can companies find further information on CLP and C&L Notification?

A: ECHA provides further information regarding the CLP Regulation and C&L Notification on the Agency's CLP website.

References

ECHA CLP website:
http://www.echa.europa.eu/clp_en.asp

REACH-IT:
http://www.echa.europa.eu/reachit_en.asp

ECHA Harmonized classification:
http://www.echa.europa.eu/clp/harmonised_classification_en.asp

CLP Regulation:
http://www.echa.europa.eu/legislation/classification_legislation_en.asp

To do for REACH in 2010

- Submit REACH Registration Dossiers for required substances
- Submit C&L Notifications for Required Substances
- Be aware of the activities of your SEIF

It's a Girl!



ChemADVISOR would like to introduce Shayma, born October 20, 2009.

Shayma is the daughter of Sonia Girard, who works out of ChemADVISOR Europe in Brussels, Belgium.