

US Clients  
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# **New chemical regulatory developments – what’s “coming down the Pike”**

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# Overview

- TSCA
- Global “REACH”
- RoHS and WEEE update
- Battery Directive
- Waste Directive
- Cosmetics regulation
- BPD amendment
- Food contact super-regulation
- Updated paint directive

# TSCA

- TSCA reform
- Ongoing debate – should it be “more like REACH”
- Ten principles:
  1. Chemicals should be safe for their intended use;
  2. EPA should systematically prioritize chemicals for purposes of safe use determinations;
  3. EPA should act expeditiously and efficiently in making safe use determinations;
  4. Companies that manufacture, import, process, distribute, or use chemicals should be required to provide EPA with relevant information to the extent necessary for EPA to make safe use determinations;

# TSCA

5. Potential risks faced by children should be an important factor in safe use determinations;
6. EPA should be empowered to impose a range of controls to ensure that chemicals are safe for their intended use;
7. Companies and EPA should work together to enhance public access to chemical health and safety information;
8. EPA should rely on scientifically valid data and information, regardless of its source, including data and information reflecting modern advances in science and technology;
9. EPA should have the staff, resources, and regulatory tools it needs to ensure the safety of chemicals; and
10. A modernized TSCA should encourage technological innovation and a globally competitive industry in the United States.

## Global “REACH”

- May follow TSCA reform
  - ❖ Jurisdictions “thinking about it”
    - Canada
    - Australia
    - Others?

## RoHS and WEEE update

- RoHS and WEEE both cover electrical and electronic equipment
  - ❖ Waste Electrical and Electronic Equipment
    - End of life of equipment
  - ❖ Restriction of Hazardous Substances
  - ❖ About what goes into electrical and electronic equipment because of ultimate disposal and environmental considerations, i.e. is about...
    - End of life of equipment!!!
  - ❖ New regulation likely to bring these two together
  - ❖ Possible impact on substances allowed in this industry
    - 4-year maximum validity period for the exemptions to stimulate substitution efforts

## EU Batteries Directive

- Now in force
  - ❖ Disposal of waste industrial and automotive batteries by landfill or by incineration will be banned from 1 January 2010

## Hazardous Waste Directive

- Waste currently largely governed by Member State regulations
  - ❖ Waste Directive is about EU harmonisation
  - ❖ covers the classification, transport and disposal methods for hazardous waste
  - ❖ Probable additional text for EU SDSs
    - Unlikely “dispose of according to federal state or local regulations” text will be acceptable (even if it is now, which is doubtful!)”

# Cosmetics regulation

- Will replace Cosmetics Directive and all its amendments
- Will be a regulation, not a Directive
- Consolidation of existing Annexes
- Still embryonic at this stage
- Conflicts with REACH?
  - ❖ Animal testing – to test or not to test?
  - ❖ Covered in Alan Ritchie's presentation

## **BPD amendment**

- Will reform existing Biocidal Products Directive and all its amendments
- Will be a Directive, not a regulation
- Still embryonic at this stage
- Conflicts with REACH?

## **Food contact super-regulation**

- Will replace existing Food Contact Directive and its amendments
- Will be a regulation, not a Directive
- Will bring into scope applications that are currently under the purview of Member States and their regulations

## Paints Directive

- Aims to reduce emissions of VOCs across the Europe
  - ❖ Maximum content limits for solvents in decorative paints, varnishes and vehicle refinishing products, from 01 January 2007 (Phase I);
  - ❖ More stringent limits for the maximum content limits of solvents of decorative paints and varnishes, from 01 January 2010 (Phase II)

## Interested?

- We have a handout on all of these new regulations
  - ❖ See Alan Ritchie
- Acknowledgments:
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  - ❖ Alan Ritchie