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What Does the Green Movement mean for the EH&S Industry?

by Andrew Dsida

I'm sure a lot of people reading this have had the experience of describing your company or job function to a non-work acquaintance and getting a follow-up comment like, "sound like you're a green company" or "so, you do things to protect the environment?" It's hard to know how to reply to this. I've found it easier over the years to simply say "yes" than to say "not exactly" and have a discussion about the differences between worker safety and environmental safety or explain why the LOLI database doesn't track the population of spotted owls or that our staff doesn't know the formulas to calculate the rate of deforestation in the Amazon.

Obviously there are a lot of areas that come to mind with the general public's perception of "Green" that don't fit the type of work ChemADVISOR does. Topics like organic food certification and endangered species preservation don't come into our scope at all and even topics like climate change, which have the requisite chemical component to them, require broader data sets than we manage and do not require the majority of the information we collect. But at the same time you have to wonder where the data that will be required for advocacy groups trying to protect different aspects of the environment will come from. Where will corporations who are trying to be good environmental stewards figure out where they potential hazards? How will policymakers weigh the arguments on different sides of the issues objectively? And, perhaps most importantly, how will health or environmentally conscious consumers in the general public inform themselves about what products and ingredients they should use and avoid using?

There appears to be a high demand for quality data and expertise in analyzing it. That includes the type of substance specific data that EH&S professionals like those at ChemADVISOR and our customers are used to working with. Certainly there is already enough regulatory activity to keep us all busy for many years to come, but don't be too surprised if some of us get caught up in the larger tide of the Green movement as well.

Dissemination - What Data Will be Published on the ECHA Website from the Registration Dossiers?

By Wolfgang Urhahn

Article 119 of the REACH Regulation states that the European Chemicals Agency (ECHA) shall publish certain information it holds on chemical substances - substances on their own, in mixtures or in articles - free of charge on the ECHA website. The so called dissemination of information - providing online access to dossier information to the general public - is possible through ECHA's Dissemination portal. In the REACH Data Submission Manual Part 15, interested parties can find information about online access to information on registered chemical substances. The Manual explains the basic rules ECHA applies when it disseminates information about registered chemicals, which information will be made publicly available on the ECHA website, and also explains the steps in the automated dissemination process. In case urgent action is important to protect the human health, the safety or the environment, e.g., in emergency situations, ECHA can disclose additional information, according to Article 118(2). In cases like emergency situations, information from a dossier will not be released in an automated way. ECHA recommends that registrants check the ECHA website regularly to ensure that they have the most recent version of the document.

In addition to the REACH Data Submission Manual Part 15 manual, a specific tool was developed for registrants. The tool enables registrants to determine – while preparing a registration dossier in IUCLID 5 – which information from the dossier would be disseminated on the ECHA website.

On June 30, 2010, ECHA released a new IT tool that enables companies to check which information from their registration dossiers will be made publicly available on the ECHA website. The tool will help registrants to prepare dossiers that can be disseminated without revealing confidential business information.

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Update of Australia's Prioritisation of Chemicals on the Australian Inventory

By Lily Hou, PhD

The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) has set up two Expert Working Groups to undertake the project of prioritisation of chemicals on the Australian Inventory of Chemical Substances (AICS): the Environmental Expert Working Group (EEWG) and the Human Health Expert Working Group (HHEWG). The AICS includes approximately 38000 chemicals and the majority of these chemicals have not been assessed for their effects on human health and the environment. The project aims at prioritizing all of the chemicals on the AICS for further assessment.

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In this Issue

View the video at: http://youtu.be/WR4J3f7MlHc

Focus On: Marina Crombez

ChemADVISORY (CA): Marina, It's a pleasure to be able to speak with you today. Thank you for taking the time out for participating in this interview and answering these questions.

CA: Could you tell us a little bit about yourself – your education and past work experiences.
Marina (MC): I was born in Ukraine, where I lived until the age of 23. I graduated in 2000 from Donetsk National University with an engineer degree in Physics and Environmental Science. My first job after graduation was a position of junior project engineer in environment protection department of scientific-design institute. In January 2003 I moved to Russia and joined Cargill as an environmental protection specialist in EHS department. Soon I realized that Health and Safety aspects of our department's duties were more interesting for me and finally I grew up to the position of EHS coordinator. I stayed with company for 7 years, until our move to Belgium in January 2010 forced me to leave the company. That was a time when I joined ChemADVISOR.

CA: What would you say makes you uniquely qualified for your line of work?
MC: I have experience in the field of Environment, Health and Safety, I am perfectionist and I am very accurate in details, which is very important quality for the person who is in charge of keeping up-to-date various regulations in different languages. I have also linguistic ability and in our Regulatory Database team I am unique for my native Russian – this gives me the opportunity to understand the regulatory sources from many countries with Slavic group languages.

CA: When did you begin working at ChemADVISOR?
MC: In January 18, 2010.

CA: What does your work as a ChemADVISOR Regulatory Specialist involve?
MC: My day-to-day job is to maintain the accuracy of regulatory data of various European countries. In the near future I plan to extend the regulatory database for Russian-speaking countries and to add to my list some new countries, such as Kazakhstan and Uzbekistan. I like to assist our Sales and Marketing team when I have this opportunity and I am also working on preparing the new webinar "It is not just REACH anymore: chemical control in Russia", which is planned for September 2010.

CA: What are the demands that typically accompany this type of work?
MC: The biggest demand is to find the most recent regulatory source, which may be quite easy in some countries and very difficult in the others. When there are questions related to the information, published in the regulation – then there is another demand: to find the person, responsible for drafting the regulation and to contact him. Understanding correctly the regulation – is also a challenge.

CA: What do you feel is the single most important aspect of your job?
MC: Making sure that the information under my review in our Regulatory Database is accurate and up-to-date.

CA: What training do you feel would improve your ability to do your job on a daily basis?
MC: I have recently joined our REACH services team. It is interesting and requires a lot of specific knowledge, which I looking forward to receive from my colleague Wolfgang in August.

CA: What does the future hold for you – any exciting plans or developments?
MC: Yes, I have plans and I wish to grow professionally. I would like to become involved into Business Development in Europe, especially in East European countries. For this I would need to get deeper knowledge about all our products and services in order to able to respond to customer's needs in a very professional manner.

CA: What was the best advice you ever received?
MC: This advise I took from Cargill's Leadership model: take the risk, face adversity with courage, challenge the status quo, champion new viewpoints, be honest, trustworthy, and if you make a mistake, be the first to admit it.

CA: What do you like most about ChemADVISOR?
MC: Internationalism and worldwide presence.

CA: If you could be employed in any other career what would you do?
MC: It would be definitely anything where I could give a way for my creativity: a photographer, an architect or something related to PR and advertisement. Talking about own business, I'd love to have my fitness club and café with healthy food.

CA: What career would you never want to try?
MC: The cashier in the supermarket – it is boring, and I would not be able to sit still for so long as they do!

CA: Marina, what do you like to do when you are away from the office?
MC: When I was a child, I was very sportive and used to do a lot of swimming. But now there is not much spare time for me during the working week, as I am also studying languages (Dutch and French), but my weekends are always dedicated to family, and especially to kids – we go to the parks, museums, playgrounds and try to stay active, as this is what necessary for our 4 and 6 years old boys. We are also spending lots of time, looking for a house, dreaming to live close to the nature, so that we can buy 4 bikes and become a real sportive family!

CA: What one thing would people be surprised to know about you?
MC: Difficult question, as normally I am like an open book :), but maybe people would be interested to know, that during my last year study at the University I was working in the night club… as bowling instructor. And still, after 10 years, I am able to beat my friends when we play bowling!

Dissemination - What Data Will be Published on the ECHA Website from the Registration Dossiers?

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The new IUCLID5 tool simulates the automated filtering process done by the ECHA IT-system before registration dossiers are published on the ECHA website. The tool shows the user which data ECHA will publish according to REACH Regulation Article 119.

The tool is an IUCLID5 Dissemination plug-in which works only with IUCLID version 5.2. The new tool is available for download - free of charge - on the IUCLID 5 website.

ECHA's Dissemination portal to find information on registered substances can be accessed through the ECHA website, by selecting "ECHA CHEM", and then clicking on "Registered Substances".

Interested parties can search for a chemical substance in the portal by its chemical name, EC number or CAS number. A list of all the substances in the database can be obtained by searching without entering any search criteria. The list can be sorted by chemical substance name, EC number or CAS number.

In the near future, the Dissemination portal will be upgraded by ECHA to include an additional search function for properties of chemical substances.

The Dissemination process consists of different steps, resulting in the publication of information from the registration dossiers on the ECHA website. The process of disseminating information from a registration dossier starts as soon as the submission of the registration dossier is complete - Step 1 - and the registrant has received his registration number. The completeness of the registration covers the technical completeness check and the on-time payment of the registration fee. Registration dossiers will be scheduled for dissemination at several times during the year - Step 2. The most important step in the dissemination process is to remove the information which shall not be published from the registration dossier, while all the information ECHA is required to publish will be left in process. This step is called the filtering step - Step 3. The actual filtering of the registration dossiers requires an IT tool – the dissemination filter tool. This tool was programmed with rules determining for each field in the IUCLID 5 registration dossier if the conditions are met for publication. Filter rules are based on articles 119(1) and (2) of the REACH Regulation. The filter rules itself are explained in chapter 7 of the Manual - Part 15. An annex to the manual explains for all IUCLID 5 fields which filter rule applies.

For joint submissions, an extra processing step - Step 4 - is performed after the filtering, and before the publication on the website - Step 5. The lead registration dossier of a joint submission will include the classification and labelling, and the (robust) study summaries, while the member dossiers will contain the company-specific information such as the uses and the tonnage band, and the information for which they used the opt-out possibility. Separate dissemination of these dossiers may confuse users of the site who are searching for a substance in the Dissemination portal, as many dossiers will be retrieved. Therefore the information from all registration dossiers which are part of the same joint submission for a same substance is "aggregated" using an IT tool - Step 4. Aggregation merges the filtered information from several registration dossiers within a joint submission into one registration dossier. Information is not averaged, but rather listed one after the other. The aggregation of the data provides a better overview of the available information on a chemical substance.

When a registration dossier is processed by the dissemination filter tool, the resulting filtered dossier contains only the information which will be published on the ECHA website. ECHA then sends the filtered dossier via REACH-IT to the registrant for review. During the review period registrants can notify ECHA if they are concerned that certain information from the registration dossier should not be disseminated. If a registrant is able to justify the concerns within the review deadline, and if the concerns are in accordance with Article 119 of REACH, the dissemination will be postponed, and the registrant will be given a new deadline to correct the element(s) of concern in the registration dossier and submit an updated dossier afterwards.

ECHA will not modify the registration dossier for a registrant. If changes are required, registrants need to update their registration dossiers and resubmit it to ECHA. Spontaneous updates of a registration dossier in itself do not require a fee payment. But, any additional request according to Article 119(2) of the REACH Regulation for keeping information confidential will be subject to a fee as indicated in Annex IV of the Fee Regulation (EC/340/2008). If a registrant does not express concerns during the review period, ECHA considers the registration dossier ready for publication.

References

Publication section of the ECHA website:
http://echa.europa.eu/publications_en.asp

IUCLID 5 website:
http://iuclid.echa.europa.eu/

Manual on dissemination:
http://echa.europa.eu/help/help_docs_en.asp?view=dissemination

ECHA dissemination website:
http://apps.echa.europa.eu/registered/registered-sub.aspx

ECHA CHEM - Registered Substances:
http://apps.echa.europa.eu/registered/registered-sub.aspx

Industry User Manual Part 3: Login and Message Box, available at:
http://echa.europa.eu/doc/reachit/industry_user_manual/reachit_login_messagebox_en.pdf

Fee Regulation (EC/340/2008):
http://eur-lex.europa.eu/LexUriServ/ LexUriServ.do?uri=OJ:L:2008:107:0006:0025:EN:PDF

Update of Australia's Prioritisation of Chemicals on the Australian Inventory

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The priority for each chemical will be based on risk to humans and the environment, i.e., hazard and exposure. NICNAS is now focused on developing scientific criteria for hazard and exposure indicators. These two Expert Working Groups will provide technical advice on scientific criteria for environmental and health end points for prioritisation of chemicals on the AICS. The EEWG is developing scientific criteria for environmental end points, while the HHEWG is developing the scientific criteria for human health endpoints. As planned one year ago, the EEWG met twice in 2009 to finalize the environmental criteria. The HHEWG met for the first time and began working in February of this year.

NICNAS uses the risk-based approach, instead of hazard alone, meaning collecting exposure data from industry will be necessary for prioritisation of chemicals for assessment. NICNAS held an exposure data workshop in Sydney on October 27, 2009 to seek information and suggestions from industry on collecting down-stream use information for prioritisation. A discussion paper: *Technical Issues Relating to Provision of Data to NICNAS by Industry Within the AICS Prioritisation Project,* was provided by NICNAS with questions and issues for consideration by industry.

According to the discussion paper, the Australian Prioritisation Project will use similar approaches taken and experience gained by the Canada's prioritisation program which has screened 23,000 chemicals on Canada's Domestic Substances List (DSL).

References

Discussion Paper: Technical Issues Relating to Provision of Data to NICNAS by Industry Within the AICS Prioritisation Project
http://www.nicnas.gov.au/Media/Latest_News/Workshop_discussion_paper_PDF.pdf

NICNAS Matters, March 2010
http://www.nicnas.gov.au/Publications/NICNAS_Matters/NICNAS_Matters_MAR10_PDF.pdf

NICNAS Matters, December 2009
http://www.nicnas.gov.au/Publications/NICNAS_Matters/NICNAS_Matters_Dec09_PDF.pdf

The New Peruvian Chemical Exchange Information Network (RIIQ)

By Edgar Rodriguez Sierra

On May 19, 2010, the Peruvian Vice-Minister of Environmental Affairs of the Ministry of Environment launched the new Chemical and Dangerous Materials Exchange Information Network (RIIQ). This new portal is designed under the Chemical Information Exchange Network (CIEN) of the United Nations. Chapter 19 of Agenda 21, adopted at the United Nations Conference on Development and the Environment in Rio, in 1992, identified the importance of access to information on chemicals and the achievement of sustainable development for developing countries. The focal point of the United Nations exchange network is the Basel, Rotterdam, and Stockholm conventions and of the Intergovernmental Forum on Chemical Safety.

Therefore, along with an integrated information network and with the help of the United Nations Environment Programme (UNEP), Peru's Ministry of Environment created the first South American Chemical Exchange Portal with information on chemical substances, chemical regulations, solid residuals, pesticides, as well as investigations on the impact of chemical substances on health and the environment. The RIIQ not only has the support of UNEP but the participation from local Peruvian entities such as:

- Ministry of Agriculture
- Peruvian National Service of Agrarian Health
- Ministry of Environment
- Metrology and Hydrology National Service
- Ministry of Mine and Energy
- Peruvian Institute of Nuclear Energy
- Ministry of Industry
- Coastal Institute of Peru
- Ministry of Foreign Relations
- Health Ministry -General Directorate of Environmental Health
- National Center for Occupational Health and Environment Protection for Health
- Ministry of Transportation and Communications
- National Institute of Civil Defense
- Supervising Body for Energy and Mine Investment
- Peruvian Association for the Customer and Consumer
- Peruvian College for the Chemical Professional
- Main National University of San Marcos
- Catholic Pontiff University of Peru

This comprehensive network provides links to different aspects of national and international chemical information. The first two pages explain the development of the RIIQ group. On the third page, users can find national Chemical Regulatory Information and links to International Regulatory Information, including: general national legislation, environmental processes, climate change, environmental quality standards (ECA), maximum permissible limits, dangerous substances and goods, pesticides, hydrocarbons, solid residuals, catalogs of Peruvian technical norms by sectors, and a compendium of Peruvian environmental legislation. Links to international chemical control, GHS and REACH regulations are also included.

Under the National Chemical Control page, users can find the country's current approach to global chemical control from Mercury to Persistent Organic Compounds (POCs) to summaries regarding Peru's ratification of the Stockholm convention, Vienna convention, Montreal protocol, Rotterdam convention, and United Nations and Kyoto Protocols.

The next two pages provide information regarding chemical processes and handling and chemical safety. In the chemical processes and handling page, readers can review the principle sectors responsible for chemicals in Peru, from private to governmental ministries. As we move to the Chemical Safety page, one can find important links to international chemical safety organizations and national emergency chemical response, and safety in the transportation, distribution, and shipping of chemicals. The pesticides page contains information regarding the safe and effective use of this type of chemical in Peru. Readers can obtain information about the registration and authorization of chemicals and the prohibition and restriction of certain pesticides.

The remaining pages of this innovative network provide readers with the latest Peruvian Solid Residual programs, Chemical Investigation and Development and an Open Forum for public participation.

The person responsible for the coordination, maintenance and update of all the information contained in the RIIQ Network is Ing. Marisa Quiñones, adviser to the Peruvian Vice-Minister of Environmental Affairs. She tells ChemADVISOR that Peru is currently working with the government of Uruguay to make a wider and more accessible network. Ing. Quiñones wants to make sure RIIQ does not end up as other similar networks in Latin America where there is very little maintenance or update. Therefore, Peru is asking the participating local entities to keep up-to-date information within the RIIQ network. Currently, the RIIQ staff has seen more interest in the network by local and international investigating bodies.

For more information see:
http://www.estis.net/sites/cien-peru/default.asp?site=cien-peru&page_id=3F34DFDF-12E9-4902-A97E-A7471C8A298A

Update of the Taiwan Existing Chemical Substance Nomination (ECN) and New Chemical Substance Notification (NCN)

By Weisin Chai

Ever since the Existing Chemical Substance Nomination (ECN) and New Chemical Substance Notification (NCN) were first announced and introduced on July 30, 2009, the Taiwan Council of Labor Affairs (CLA) and the administering unit, Safety and Health Technology Center (SAHTECH), have received great response from industries, local and abroad. Series of seminars have been held in Taiwan with more than 1,500 participants. Questions, comments and suggestions from the industries were studied. Some of them have been applied and contributed to the latest update of the guidance on ECN and NCN.

In November 2009, the 4th revised version of the Guidance for Existing Chemical Substance Nomination was published on the Chemical Substance Nomination and Notification (CSNN) website. In this guideline, the nomination scope was specified. Nomination could be done for chemicals that have been imported, manufactured, processed, used or sold from January 1, 1993 to December 31, 2010. Industries that manufacture, import or sell chemicals in Taiwan are encouraged to take the opportunity to participate in the NCN before the deadline on December 31, 2010, to avoid having to do the NCN later.

In addition to that, the 4th revised guidance also gives more precise definitions for terms used in the ECN. For polymers defined in the 2% rule, the nominator can calculate the weight percent of polymers based on the following methods:

1) The calculation of amounts added or charged to the reaction vessel: a monomer's or a reactant's weight percent is determined by its weight charged to the reaction vessel, over the weight of polymer that is isolated from the reaction vessel. Or,
2) Chemical analysis or theoretical calculation: a monomer's or a reactant's weight percent is determined through chemical analysis or theoretical calculation at which its actual amount contained in the polymer is taken into account.
   For this approach, all chemical analysis records or records of the theoretical calculations shall be kept.

By using the mandated nomination tool available from the CSNN website, the nominator shall send the signed document created by the tool, both via e-mail and postal mail. The 4th revised guidance provides the exact email address (cncla@mail.cla.gov.tw) and postal address to be used (Taiwan National Chemical Substances Registration Administrative office, 3F, No. 41, Fuqian 4th St., Anping Dist., Tainan City 708, Taiwan R.O.C.). Registered mail is suggested for mailing.

Besides the 4th revised guidance for ECN, the CLA also posted a rough introduction of NCN on the CSNN website. However, the information provided is neither official nor finalized. According to the NCN guidelines, new substance notifications could be done by a local or overseas legal person, or authorized representatives. The NCN will start on July 1, 2011 after the data collected from ECN has been compiled and published on June 30, 2011. Questions have been raised on whether industries are allowed to nominate during the interim period between ECN and NSN (December 31, 2010 to June 30, 2010). The CLA suggested that industries shall nominate before the ECN deadline. However, if necessary, the government may announce proper procedures if there are any special circumstances. Other details about the drafted NCN have been introduced in our Volume 48, October 2009 *ChemADVISORY* newsletter.

To accommodate communications with industries, a discussion blog has been created on the CSNN website. This is particularly useful for industries abroad to send their enquiries as the ECN and NCN seminars are only held locally in Taiwan.

Industries are recommended to keep alert and obtain the latest update of ECN and NCN through the CSNN website. Several useful links of the website are available through the References below.

References

Chemical Substance Nomination and Notification (CSNN) English Website
http://csnn.cla.gov.tw/content/englishHome.aspx

Guidelines for New Chemical Substance Notification (NCN)
http://csnn.cla.gov.tw/content/newChemical.aspx

Guidelines for Existing Chemical Substance Nomination (ECN), 4th revised version
http://csnn.cla.gov.tw/content/oldChemical.aspx

Existing Chemical Substance Nomination (ECN) Nomination Tool and Documents
http://csnn.cla.gov.tw/content/oldChemical.aspx

Chemical Substance Nomination and Notification (CSNN) Discussion Blog
http://tw.myblog.yahoo.com/csnn-csnn/guestbook

NIOSH Requests Comments on Draft Skin Notation Assignments and Profiles

By Caroline Miller, CIH, CSP

In July 2009, the National Institute for Occupational Safety and Health (NIOSH) released "Current Intelligence Bulletin (CIB) 61: A Strategy for Assigning the New NIOSH Skin Notations." The CIB can be found at: http://www.cdc.gov/niosh/docs/2009-147/pdfs/2009-147.pdf.
The strategy has been designed to:
(1) communicate the current state of knowledge on hazards to workers' health from dermal exposures;
(2) address the conceptual shortcomings of the current NIOSH skin notation represented by the symbol [skin];
(3) recognize the health risks associated with contact of the skin with chemicals beyond dermal absorption; and
(4) increase the transparency of the process for assigning the new NIOSH skin notations.

In the past, NIOSH used [skin] to indicate the potential for dermal absorption on 142 chemicals listed in the NIOSH Pocket Guide to Chemical Hazards. However, the skin notations were assigned inconsistently. The new skin notation classification scheme is indicated by SK, presented within the CIB is as follows:

- Systemic (SYS)
  - o May be potentially lethal or life-threatening following skin exposures (FATAL)
- Direct (DIR)
  - o Irritant (IRR)
  - o Corrosive (COR)
- Sensitizing (SEN)
- Identified no health hazard associated with skin exposure (SK)
- Insufficient data (ID(SK))
- Not been evaluated (ND)

On April 27, 2010 NIOSH announced that they are conducting a public review of the draft skin notations and support technical documents entitled "Skin Notations Profiles, for 22 chemicals" (see http://edocket.access.gpo.gov/2010/pdf/2010-9693.pdf). In addition, NIOSH has included thirteen questions to be considered when reviewing the documents. NIOSH would like feedback on the clarity of the documents, if the conclusions are supported by the data, if the documents are organized appropriately, and if there is any other data sources that should be included. Comments were being accepted until June 11, 2010.

The draft Skin Notation Profiles were developed for the following chemicals:

Document #	Substance(s)
A–01	1,3-Dichloropropene (CAS# 542–75–6)
A–02	Phenol (CAS# 108–95–2)
A–03	Hydrogen fluoride/hydrofluoric acid (CAS# 7664–39–3)
A–04	Dinitrotoluene, (CAS# 25321–14–6); 2,4–Dinitrotoluene (CAS# 121–14–2); 2,6–Dinitrotoluene (CAS# 606–20–2)
A–05	Acrylamide (CAS# 79–06–1)
A–06	Acrylonitrile (CAS# 107–13–1)
A–07	Metallic Chromium and other Substances containing Hexavalent Chromium [Cr(VI)] (CAS# 7440–47–3; 18540–29–9)
A–08	m,p,o-Dinitrobenzene (CAS# 99–65–0; CAS# 528–29–0; CAS# 100–25–4)
A–09	Epichlorohydrin (CAS# 106–89–8)
A–10	Ethylene glycol dinitrate (CAS# 628–96–6)
A–11	Bisphenol A (CAS# 80–05–7)
A–12	Formaldehyde (CAS# 50–00–0)
A–13	Hydrazine (CAS# 302–01–2)
A–14	Nitroglycerin (CAS# 55–63–0)
A–15	Nonane (CAS# 111–84–2)
A–16	Glutaraldehyde (CAS# 111–30–8)
A–17	Sodium hydroxide (CAS# 1310–73–2)
A–18	Trichloroethylene (CAS# 79–01–6)
A–19	Methyl cellosolve (CAS# 109–86–4)
A–20	2-Butoxyethanol (CAS# 111–76–2)
A–21	2-Ethoxyethanol (CAS# 110–80–5)
A–22	p-Phenylenediamine (CAS # 106–50–3)

Reference

Document for Public Review and Comment: Skin Notation Strategy - Group A (22 Skin Notation Profiles) NIOSH Docket 153-A. March 2010 Retrieved June 11, 2010. http://www.cdc.gov/niosh/review/public/153-A/

Congress Moves Forward with TSCA Reform

By John J. Kowalski, CHMM

After holding a total of six hearings on the subject since February 2009, both houses of Congress recently introduced legislation to reform the Toxic Substances Control Act (TSCA).

In the Senate, Senator Frank R. Lautenberg, who chairs the Subcommittee on Superfund, Toxics and Environmental Health, introduced the "Safe Chemicals Act of 2010" on April 15, 2010. According to a press release, the Safe Chemicals Act of 2010 "would require safety testing of all industrial chemicals and put the burden on industry to prove that chemicals are safe in order stay on the market."

In the House, Representative Bobby L. Rush, who chairs the Subcommittee on Commerce, Trade, and Consumer Protection, and Representative Henry A. Waxman, who chairs the Energy and Commerce Committee, released a discussion draft of the "Toxic Chemicals Safety Act of 2010," also on April 15, 2010. According to a media advisory, "the Chairmen will be working with Members of the Committee and stakeholders to refine the legislative draft in anticipation of consideration later this year."

Meanwhile, the Environmental Protection Agency (EPA) continues to rely on its existing authorities under the TSCA to regulate chemicals and to make more information on chemicals available to the public, even as Congress considers legislative reform of the statute. Recent EPA actions under the TSCA are summarized in a separate article in this issue of ChemADVISORY.

References

Chen, James. "Impacts of Global Chemical Regulation on U.S. Law." 2010 Global Chemical Regulations Conference. Baltimore, MD. March 31, 2010.

U.S. House of Representatives, Committee on Energy and Commerce. "Chairmen Rush, Waxman Release Discussion Draft of the Toxic Chemicals Safety Act." Media Advisory. April 15, 2010.

U.S. Senate, Committee on Environment and Public Works. "Lautenberg Introduces Safe Chemicals Act to Protect Americans from Toxic Chemicals." Press Release. April 15, 2010.

US EPA Proposes Addition of NTP Carcinogens to EPCRA

By Amy Fikisz

On April 6, 2010, the Environmental Protection Agency (EPA) announced a proposal for the addition of 16 chemicals to the Toxic Release Inventory (TRI) list of reportable chemicals. The chemicals that are being proposed for addition to the list are "reasonably anticipated to be a human carcinogen" by the National Toxicology Program (NTP) in their Report on Carcinogens (RoC) document. The list of toxic chemicals is subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act of 1990 (PPA). Once a chemical is on the TRI list, companies that manufacture, process or otherwise use any of these chemicals need to give the EPA and the States data on releases and transfers of these chemicals which are then made available to the general public.

The deadline to submit comments on the EPA's proposed rule was June 7, 2010. If you are unsure if your facility is affected by this proposed rule, carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations. For technical data on each chemical that supports the NTP's RoC classifications and the EPA's proposed additions to the EPCRA section 313 list please go the EPA's website.

The 16 chemicals the EPA is proposing to be added to the TRI list are:

Chemical Name	CAS
- 1-Amino-2,4-dibromoanthraquinone	81-49-2
- 2,2-bis(Bromomethyl)-1,3-propanediol	3296-90-0
- Furan	110-00-9
- Glycidol	556-52-5
- Isoprene	78-79-5
- Methyleugenol	93-15-2
- o-Nitroanisole	91-23-6
- Nitromethane	75-52-5
- Phenolphthalein	77-09-8
- Tetrafluoroethylene	116-14-3
- Tetranitromethane	509-14-8
- Vinyl Fluoride	75-02-5
- 1,6-Dinitropyrene	42397-64-8
- 1,8-Dinitropyrene	42397-65-9
- 6-Nitrochrysene	7496-02-8
- 4-Nitropyrene	57835-92-4

Reference

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Mean and Green – California's Quest for Safer Products

By Brigette R. Bartko

Recently, the California Department of Toxic Substances Control (DTSC) released an outline of the draft regulations putting into action AP 1879. This law, also known as The Green Chemistry Initiative law, is meant to speed up the expedition for safer and greener products for consumers. Several major notes should be made about this draft outline. Although unclear if AB 1879 establishes such authority, the draft outline gives DTSC the authority to require manufacturers to submit information regarding chemicals and products. DTSC also could prohibit people from selling or offering for sale a consumer product unless a certificate of compliance is present.

DTSC received stakeholder input before they released the draft to the public on June 23, 2010. The law is set up in three phases which are:

1. Prioritization – of chemicals of concern (COC's) in consumer products.
2. Alternatives assessment – COC's that are "priority products" will be analyzed for safer substitutes.
3. Regulatory response actions – shifts manufacturers toward creating safer products.

The draft is intended to identify chemicals that are common in consumer products and are public health and environmental threats. These chemicals first go into the "Chemicals under Consideration" list, and from there they will be further separated into a priority list named the "Chemicals of Concern." After the Chemicals of Concern list is created two product lists will be established. The first is the "Products under Consideration" and the second, which will be populated by the first, is the "Priority Products" list. The chemicals contained in the Priority Products list will be considered to have the highest priority because of their threat to environment and public health. Several factors will be used to make the determination of which list a consumer product will fall into including: chemicals in the product, uses by the consumer, distribution, and life cycle of the product.

DTSC is committed to making the information on the lists and the law readily available and easily accessible to the public. They plan on posting the Chemicals of Concern and Priority Products lists on their website. DTSC will also be establishing a database for the consumer that provides chemical toxicity and hazards.

As a result of the draft, two public workshops were held on July 7, 2010. Comments on the draft are due by July 15, 2010.

References

DTSC Draft Regulations, June 2010
http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/gc_draft_regs.cfm

http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/upload/Safer-Product-Alternative-Regulations-6-23-10.pdf

DTSC Draft flowchart, June 2010
http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/upload/Draft_Regulatory_Flow_Chart.pdf

REACH: What is Chesar?

By Wolfgang Urhahn

Q: What is Chesar?

A: Chesar is the new Chemical Safety Assessment and Reporting tool. It was released by ECHA in May 2010.

Q: Why was Chesar created?

A: Chesar is a software tool to help registrants to prepare their Chemical Safety Assessments (CSA) and Chemical Safety Reports (CSR) which are required by the REACH regulation for substances manufactured or imported at a volume above 10 tonnes per year.

Q: What are the benefits of Chesar?

A: Until now registrants have been able to submit registrations with a CSR generated manually, partly supported by the IUCLID5 CSR plug-in that ECHA made available in February 2009. Chesar now provides industry and registrants with an IT tool to produce the full CSA more efficiently and effectively. It will also help to structure the information for the exposure scenarios.

Q: Is Chesar based on the lastest Guidance documents?

A: Yes, for that purpose the principles for carrying out a chemical safety assessment described in the updated REACH Guidance on Information Requirements and Chemical Safety Assessment have been converted into the IT software tool.

Q: Will Chesar support the standardization of uses?

A: Yes, Chesar is also built to facilitate the re-use of all or part of assessments already carried out by the registrant or prepared by industry associations, thanks to data exchange functionalities. This will support cross-industry standardization of the description of uses and the safe conditions of use.

Q: Does Chesar function with any software program?

A: No, currently Chesar 1.0 only works as a plug-in of stand-alone version of IUCLID 5.2.

Q: Does the current Chesar 1.0 version provide full functionality?

A: No, as Chesar 1.0 has only been tested within ECHA itself, ECHA encourages the registrants to test the tool. All feedback will contribute to the next upgrade of Chesar. Chesar 1.0 does not generate full CSR or the Exposure Scenarios for the extended Safety Data Sheets. The first upgrade enabling the full CSR generation is planned to be available in July 2010.

References

Chesar website for download and user manuals:
http://chesar.echa.europa.eu/

ECHA Web form for feedback:
http://echa.europa.eu/about/contact-form_en.asp

Guidance on Information Requirements and Chemical Safety Report:
http://guidance.echa.europa.eu/docs/guidance_document/information_requirements_en.htm?time=1272455599

OECD Releases Summary of Nanomaterial Safety Activity

By Susan Davis

The term nanoparticle is becoming commonplace. How about carbon nanofoam, nanobiotechnology, nanotoxicology, buckypaper and quantum dot? Get ready, because they are all in various stages of development and it is a fact that nanotechnology is one of the fastest growing, emerging technology and economic sectors in the world.

Depending on the industry sector in which you work, amazing new technology will soon become available offering material properties that are a direct result of resizing things to this kind of scale. So much surface area combined with extremely small size produces what is known as the quantum size effect. When the ratio of atoms at the surface of a particle becomes significant in relation to its overall size, changes in properties begin to occur because the material is now subject to quantum mechanics. Quantum mechanical effects can potentially influence any photoelectric property a particular material may familiarly exhibit at the macroscale so that it becomes quite different at the nanoscale. An opaque material may become transparent, as with copper. An insulator becomes a conductor, as with silicon. Inert materials become catalysts (platinum) and stable substances become combustible (aluminum).

In its continuing efforts to understand the potential hazards, both to human health and the environment, of nanomaterials, the OECD (Organisation for Economic Co-operation and Development) recently released its latest installment, No. 20, in its "Series of Safety of Manufactured Nanomaterials: Current Developments/Activities on the Safety of Manufactured Nanomaterials – Tour de Table".

This series is a continuously updated status report by the 30 member countries on their activities relating to the safety of manufactured nanomaterials. According to the report, their intent is to "meet to co-ordinate and harmonise policies, discuss issues of mutual concern, and work together to respond to international problems." The report "is intended to provide delegations and other stakeholders with a "snapshot" of information on activities related to manufactured nanomaterials, as well as other activities on nanotechnologies, at the national and international level."

The report covers a wide variety of issues related to the safety of nanomaterials. Because of their unique properties, many safety considerations need to be reevaluated. At the nanoscale, toxicological properties change along with the physical properties. In the field of nanobiotechnology, this increased bioavailability is being utilized to develop new therapies and drug delivery systems. In the workplace, it means that exposure limits need to be examined to confirm they meet new needs.

Increased bioavailability for humans also means increased bioavailability in the environment. Not only do standard models of environmental toxicity need to be reevaluated, but also cleanup and spill control methods.

As physical properties change, protective equipment also needs to adapt. The respirator which provided adequate protection at the macroscale may not do the job when confronted with the same material manufactured at the nanoscale.

Activities like those of the OECD and its various working groups and committees will be vital in the development of standardized practices and methodologies in the coming years as our knowledge base concerning this emerging technology grows. Cooperation across international borders is crucial in order for scientists, researchers and policymakers to stay informed when developments are happening at such a rapid pace. Maybe it really is a small world after all.

For more information on developments in the field of nanotechnology see:
http://www.oecd.org/dataoecd/59/9/43179651.pdf
To read the current Tour de Table, please see:
http://www.oecd.org/dataoecd/49/49/44947758.pdf

Training Updates

By Jamie Lin Skeel

Chemical Control Webinar Series 2

We had such a positive response from our Chemical Control Webinar Series that we decided to offer Chemical Control: It's Not Just REACH Anymore Webinar Series 2! The series consists of 6 webinars covering 5 new countries.

The webinars will be held in the following order:
September 8, 2010 – Taiwan
September 22, 2010 – Russia
October 6, 2010 – United States
October 20, 2010 – Turkey
November 3, 2010 – Australia
November 17, 2010 – Brazil

Register to attend one or all 6 webinars. Each webinar will cost $125 or register for all 6 for a total of $600.

CLP and REACH: C&L Notification Course

Additional dates have been added for the CLP and REACH: C&L Notification Course. This online course will explain in detail what CLP means for EU manufacturers and importers of chemicals and the criteria for which substances and when a manufacturer or importer has to notify to the new C&L Inventory. Attendees will also learn how to use REACH-IT and how to submit a CLP notification to the C&L Inventory.

Extended Safety Data Sheets Course

A new online course, Extended Safety Data Sheets, has been added to the calendar. This half-day online course will be offered July 13, 15, and 22 and will provide an overview of the requirements for safety data sheets (SDSs) and extended safety data sheets (eSDSs) in the EU.

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

PHMSA Initiatives on Combustible Liquids

By Kevin Lapp

HM-242 published April 5, 2010
Comments due July 6, 2010

Summary:

PHMSA (Pipeline and Hazardous Materials Safety Administration) has published an advance notice of proposed rulemaking (ANPRM) regarding amendments to the Hazardous Materials Regulations (HMR) as they apply to the transportation of combustible liquids. PHMSA is considering whether to harmonize the domestic regulations applicable to combustible liquids with the international transportation standards. PHMSA is examining ways to revise, clarify, or relax certain regulatory requirements to facilitate the transportation of these materials, but at the same time maintaining an adequate level of safety.

History of the HMR for Combustible liquids:

The current HMR regarding combustible liquids have evolved over a number of years. On February 21, 1970 Docket HM-42 proposed to create and define a new class of materials indentified as "combustible liquids" to address a lack of hazard warning communication concerning these materials and the hazards posed by transportation of these materials at temperatures equal to or exceeding their flash points. Liquids in this higher flash point range (80° F to 200° F) include kerosene, fuel oil, turpentine etc. The 200° F upper limit is commonly used by industry, government and Nation Fire Protection Association (NFPA) for defining flammable/combustible liquids.

On January 24, 1974, Docket HM-102 was published. This final rule clarified the definition of the following hazard classes:

1. A "flammable liquid" is any liquid having a flashpoint below 100° F (37.8° C)
2. A "combustible liquid" is any liquid having a flashpoint at or above 100° F (37.8° C) and below 200° F (93.3° C)
3. A "pyrophoric liquid" is any liquid that ignites spontaneously in dry or moist air at or below 130° F (54.5° C)

On December 21, 1990, Docket HM-181 was published. This final rule adopted the international standards (United Nations Recommendations on the Transport of Dangerous Goods) for defining flammable liquids and retained a domestic exception for flammable liquids re-classed as combustible liquids. The upper flashpoint range for flammable liquids was extended to meet the UN standards of 60° C (140° F). The definition for combustible liquids under the HMR was retained both as a domestic classification option for liquids with flash points equal to or greater than 38° C (100° F) and less than 60° C (140° F), and as a requirements for liquids with flash points equal to or greater 60° C (140° F) and less than 93° C (200° F). The classification system in the UN Recommendations has no equivalent combustible liquid hazard class. Under Docket HM-181 the HMR was also revised to clarify that only flammable liquids that do not meet the definition of any other hazard class may be re-classed as combustible. This revision was intended to prevent reclassification of materials that meet the definition of a hazard substance or hazardous waste, and thus would meet the definition of a class 9 material.

Current requirements and exceptions for combustible liquids

The current HMR defines "combustible liquid" as any liquid that does not meet the definition of any other hazard class and has a flash point greater than 60° C (140° F) and less than 93° C (200° F). In domestic transportation, a flammable liquid with a flashpoint at or above 38° C (100° F) that does not meet the definition of any other hazard class may be re-classed as a combustible liquid. This does not apply to transportation by vessel or aircraft. A elevated temperature material that meets the definition of a class 3 (flammable liquid) because it is intentionally heated and offered for transportation or transported at or above its flash point may also be re-classed as a combustible liquid.

Because of their higher flashpoints, combustible liquids do not pose as great a risk in transportation as do flammable liquids. DOT currently has several exceptions for combustible liquids. For example, combustible liquids transported in non-bulk packagings are excepted from the HMR requirements unless the combustible liquid also meets the definition of a hazardous substance, hazardous waste or marine pollutant. In addition a combustible liquid that that does not sustain combustion is not subject requirements of the HMR as a combustible liquid. The HMR also provide additional exceptions for class 3 (flammable liquids and combustible liquids in limited quantities (per 49 CFR 173.150) and provides exceptions from labeling (excepted when offered for transport by aircraft) and specification packaging requirements. In addition a limited quantity of a flammable or combustible liquid may be reclassified as a "consumer commodity" as defined by 171.8 of the HMR. An aqueous solution containing 24 percent or less alcohol by volume and no other hazardous components may also be re-classed as a combustible liquid, and is not subject to the HMR if it contains no less than 50 percent water.

In this ANPRM, PHMSA is soliciting comments on issues related to the transportation of combustible liquids in both domestic and international commerce. PHMSA has received two petitions for rulemakings suggesting that domestic requirements for the transportation of combustible liquids should be harmonized with the international standards (UN Recommendations). PHMSA has also received a petition for rulemaking suggesting that the HMR should include more expansive domestic exceptions for shipments of combustible liquids. PHMSA has identified a number of issues that they may wish to address through rulemaking including:

1) Harmonizing the HMR definitions and requirements for combustible liquids with international standards.
2) Modifying HMR requirements for marking and placarding shipments of combustible liquids to eliminate confusion that can occurs when shipments marked and placarded for domestic transportation are transported in international commerce.
3) Expanding current HMR exceptions for combustible liquids to accommodate operational requirements.

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PHMSA Initiatives on Combustible Liquids

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PHMSA has shared the following details on the issues listed above.

1. There is no provision in the UN Recommendation, the International Civil Aviations Organization's (ICAO) Technical Instructions or the International Maritime Dangerous Goods (IMDG) Code for flammable liquids to be re-classed as combustible liquids and no international regulations at all for liquids with a flash-point over 60° C (140° F). PHMSA recognizes that the current HMR provisions for the transportation of combustible liquids may be potentially confusing and may present a safety concern. For example, shipments could be mishandled or misidentified, or the possibility of undeclared shipments exists. Because of this PHMSA is considering a proposal to eliminate the current domestic exception that allows the reclassification of high flash point flammable liquids (i.e., those with a flash point at or above 38° C (100° F) as combustible liquids. This potential change would establish a uniform definition for flammable liquid as a liquid having a flash point of not more than 60° C (140° F) for both domestic and international transportation.
2. PHSA is considering whether utilization of unique identifiers for combustible liquid shipments could help to eliminate the confusion that currently results when shipments of re-classed combustible liquids or combustible liquids shipments regulated under the HMR but not regulated international standards are transported to or from the U.S. For international shipments of materials regulated as combustible liquids under the HMR but not regulated as hazardous materials under international regulations, PHMSA has suggested that they could develop a hazard communication scheme that would clearly identify these shipments when transported in the U.S. that would not be confusing to foreign officials when transported in international commerce. PHMSA gives an example of excepting such shipments from placarding and instead require bulk packages to be marked "COMBUSTIBLE LIQUID, NA1993". PHMSA reasons that this marking is not recognized internationally and may be less likely to cause confusion or shipment delays.
3. PHMSA is considering expanding the current exception applicable to the transportation of combustible liquids to accommodate unique operational requirements or needs. Based on one petition received, PHMSA is considering whether to expand current exceptions (applicable to only non-bulk shipments today) of less than a threshold amount (such as 3,785 L or 1,000 gallons). PHMSA may also consider expanding the current exceptions for hazardous materials that are transported in support of agricultural operations. PHMSA is also considering a proposal to remove the phrase "which does not meet the definition of another hazard class" from the definition of combustible liquids and Class 9 materials. In addition, PHMSA is considering listing "stand alone" restrictions for each of these materials, and would rely on the Precedence of Hazard Table in 173.2a for the proper classification of materials having more than one hazard. PHMSA believes such revisions could reduce undue burden on the regulated community and mitigate the potential for inaccurate or contradictory classifications.

PHMSA is soliciting comments on this discussion and the following questions:

1. Should the HMR continue to apply to materials with a flashpoint greater than 60° C (140° F) and less than 93° C (200° F)? What benefits would result from deregulation of combustible liquids? What are the safety implications of such deregulation? How would such deregulation affect emergency response?
2. Should the HMR continue to permit Class 3 materials with flashpoints between 38° C (100° F) and 60° C (140°F) to be re-classed and transported as combustible liquids? What are the benefits of eliminating this reclassification exception? Would there be costs associated with eliminating this reclassification exception? What are the safety implications of eliminating the reclassification exception? How would elimination of the reclassification exception affect emergency response?
3. Should the HMR provide expanded exceptions for the transportation of combustible liquids? For example, should the HMR except combustible liquids below a certain threshold (e.g., not more than 1,893 L (500 gallons), 3000 L (793 gallons), 3,785 L (1,000 gallons), or 13,249 L (3,500 gallons) from packaging, hazard communication, or other requirements? What are the potential impacts on hazard communication and emergency response notification of such changes?
4. Should the HMR include expanded exceptions for farm operations or agribusinesses? Should the HMR include expanded materials of trade exceptions for persons who transport combustible liquids? What are the potential impacts on hazard communication and emergency response notification of such changes? Are there additional exceptions that should be considered?
5. Should the HMR continue to permit combustible liquids to be described using shipping names and identification numbers applicable to Class 3 materials? Should PHMSA adopt a requirement for all combustible liquids to be described as "Combustible liquid, n.o.s."? What safety benefits would result from the use of shipping descriptions unique to combustible liquid materials? How would such a change affect emergency response?
6. Should the HMR provide for use of a unique combustible liquid marking (e.g., the words "COMBUSTIBLE" or "COMBUSTIBLE LIQUID" in red letters on a white background) in place of COMBUSTIBLE placards and other hazard communication for bulk shipments of combustible liquids? Should the HMR provide for use of the domestic identification number, NA1993, on bulk packages utilizing a combustible liquid marking? What are the potential impacts on hazard communication and emergency response notification of such a change? Are there other practical alternatives to use of COMBUSTIBLE placards for bulk shipments?

PHMSA will base any future proposal for changes on the suggestions and comments provided by interested parties and their own initiatives.

For the complete text of this ANPRM go to: http://edocket.access.gpo.gov/2010/pdf/2010-7544.pdf

Canada - Update on "Challenge" to Industry Batch Substances

by Tammy J. Murphy

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, the Canadian Environmental Protection Act, 1999 (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/control measures. This led to the formation of the Chemicals Management Plan (CMP) under which chemicals are assessed and managed using multiple tools.

There were approximately 200 substances, broken into 12 batches, identified as high priority. These 12 batches were part of the "Challenge to Industry." Additional information gathering, assessment and proposal and/or implementation of control measures has been ongoing since the launch of the CMP and the Challenge.

Batch 1 consisted of 15 substances and in July 2008, the final screening assessments for Batch 1 substances were published. This included the recommendation that six substances and one group of three substances be added to Schedule 1, the List of Toxic Substances, of CEPA, 1999; in September 2008 the proposed order adding these substances to Schedule 1 was published. Additionally, on May 12, 2010, the "Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999" was published in the Canada Gazette, Part II. This allows regulatory or non-regulatory risk management strategies to be developed. Of the original group of substances proposed for addition, five substances and one group of three substances were added, including Methyloxirane, Ethyloxirane, Naphthalene, 1,2-Benezenediol, 1,4-Benzenediol and Toluene diisocyanates.

Batch 7 consisted of 14 substances, 3 of which were recommended for addition to Schedule 1. It was concluded that these 3 substances met the criteria for toxic as defined in paragraph 64(c) of CEPA, 1999 and either presents or potentially presents a danger to human health. In the May 1, 2010 edition of the Canada Gazette, Part I, the proposed "Order Adding Toxic Substances to Schedule I to the Canadian Environmental Protection Act, 1999" was published. The three substances included in the Order are: Methanone, bis[4-(dimethylamino)phenyl]-,2-Butanone, oxime and Oxirane, (butoxymethyl-). There is a 60-day public comment period, from date of publication.

Batch 10 consisted of 12 substances and, like previous Batches, all submitted information was reviewed. The publication after screening assessments and publication of results and recommendations were released in the June 26, 2010 edition of the Canada Gazette, Part I. As with previous batches, there are proposals to add substances to Schedule 1, List of Toxic Substances, apply SNAc's to others, or have no further action at this time. There is also a 60-day comment period, from date of publication, for these notices.

Part of the Chemicals Management Plan also includes a sector specific "Challenge" for the petroleum industry. It is very similar to the "Challenge" but focuses on those substances used predominantly in the petroleum sector. Like the "Challenge," high priority substances were identified, calls for information have been issued and screening assessments and recommendations are issued. Similar to the "Challenge," this is an ongoing process. On May 29, 2010, three notices were published in the Canada Gazette, Part I; these pertain to draft screening assessments for 10 substances that were part of the "Stream 1" chemicals.

On June 5, 2010, the Minister of the Environment and the Minister of Health published a "Notice of intent to assess and manage the risks to the health of Canadians and their environment posed by aromatic azo substances which may break down to certain aromatic amines, substances which may break down to certain benzidines, and the corresponding aromatic amines or benzidines." The notice encompasses approximately 350 substances. This includes substances that are part of the Challenge as well as substances that were identified as requiring further action under the DSL categorization process. The process will include examination of available information, collection of information through mandatory section 71 notices, screening assessments and the respective conclusions. It is anticipated that draft screening assessments will be published by December 2012.

Full text of all notices can be found in the appropriate edition of the Canada Gazette:
http://canadagazette.gc.ca/rp-pr/p1/index-eng.html

Additional information about the Chemicals Management Plan can also be found on the Government of Canada's Chemical Substances website:
http://www.chemicalsubstanceschimiques.gc.ca/index-eng.php

Recent EPA Actions under the TSCA

By John J. Kowalski, CHMM

Among the most recent Environmental Protection Agency (EPA) actions under the Toxic Substances Control Act (TSCA) are the following:

- withdrawing, proposing, and revoking Significant New Use Rules (SNURs);
- proposing to amend the Polychlorinated biphenyls (PCBs) use and distribution in commerce regulations;
- announcing the addition of chemicals and chemical facilities regulated under the TSCA to a public database called Envirofacts;
- announcing a new practice for reviewing confidentiality claims for chemical identities in health and safety studies and in data from health and safety studies;
- announcing that an Information Collection Request (ICR) was forwarded to the Office of Management and Budget (OMB) for review and approval of the continuing use of a voluntary cover sheet for certain submissions under TSCA; and
- announcing the receipt of premanufacture notices (PMNs), test marketing exemption (TME) applications, and notices of commencement to manufacture (NOCs).

These actions are briefly summarized below in order by date of action.

On April 2, 2010, the EPA withdrew a SNUR promulgated under Section 5(a)(2) of the TSCA for the chemical substance identified as 1-Propene, 2,3,3,3-tetrafluoro- (CAS Number 754-12-1), which was the subject of PMN P-07-601. EPA had published the SNUR on February 1, 2010 using direct final rulemaking procedures. However, the Agency received a notice of intent to submit adverse comments on the rule. Therefore, it withdrew the SNUR, as required under the expedited SNUR rulemaking process. On the same day EPA published a proposed SNUR for this same substance.

The proposed rule would require persons who intend to manufacture, import, or process the substance 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 the activity before it occurs. Comments on the proposed SNUR were required to be submitted on or before May 3, 2010. When finalized, the proposed SNUR will be codified at 40 CFR § 721.10182.

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Recent EPA Actions under the TSCA

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On April 7, 2010 the EPA published an advance notice of proposed rulemaking (ANPRM) for the use and distribution in commerce of certain classes of PCBs and PCB items and certain other areas of the PCB regulations under Section 6(e) of the TSCA. More specifically, EPA is reassessing its TSCA PCB use and distribution in commerce regulations to address:

- the use, distribution in commerce, marking, and storage for reuse of liquid PCBs in electric and non-electric equipment;
- the use of the 50 parts per million (ppm) level for excluded PCB products;
- the use of non-liquid PCBs;
- the use and distribution in commerce of PCBs in porous surfaces; and
- the marking of PCB articles in use.

The deadline for the submission of comments on the ANPRM was originally set for July 6, 2010. However, on June 16, 2010 the EPA extended the comment period for the ANPRM until August 20, 2010. On the same day the Agency announced the scheduling of two public meetings on the ANPRM. The first meeting will be held on July 22, 2010 in San Francisco and the second will be held on July 29, 2010 in New York.

On May 17, 2010, the EPA announced the addition of more than 6,300 chemicals and 3,800 chemical facilities regulated under the TSCA to a public database called Envirofacts. The Envirofacts database includes, for each facility, name and address information, an aerial image of the facility and surrounding area, map location of the facility, and links to other EPA information on the facility, such as the inspection and compliance reports that are available through the Enforcement Compliance History Online (ECHO) database.

On May 26, 2010 the EPA revoked a SNUR for the chemical substance identified generically as Polyalkyl phosphate, which was covered by PMN P-95-1772. Based on the concern criteria in 40 CFR § 721.170(b), the Agency issued a non-5(e) SNUR designating certain activities as significant new uses. Subsequently the EPA received and reviewed new information and test data for this chemical substance. Based on the new information and test data, the Agency no longer finds that the activities not described in PMN P-95-1772 constitute significant new uses.

On May 27, 2010 the EPA announced a new general practice of reviewing confidentiality claims for chemical identities in health and safety studies, and in data from health and safety studies, submitted under the TSCA. Where a chemical identity does not explicitly contain process information or reveal portions of a mixture, the Agency expects to find that the information would clearly not be entitled to confidential treatment. According to EPA this new practice builds on similar efforts regarding the confidentiality of chemical identities listed on the public version of the TSCA Inventory and submitted in substantial risk notifications under TSCA Section 8(e).

On June 3, 2010 the EPA announced that an ICR was forwarded to OMB for review and approval of the continuing use of a voluntary cover sheet for certain submissions under TSCA Sections 4, 8(d), 8(e), and the Voluntary Children's Chemical Evaluation Program (VCCEP) According to EPA this cover sheet facilitates submission of information by displaying certain basic data elements, thereby permitting the Agency to more easily identify, log, track, distribute, review and index submissions as well as make information available to the public more rapidly and at reduced cost. Comments on this ICR may be submitted on or before July 6, 2010.

On June 9, 2010 the EPA published three separate notices of receipt of PMNs, TME applications, and NOCs. Together these three notices covered the period from February 15, 2010 through May 7, 2010. During this time period, EPA reported the receipt of 150 PMNs, one TME application, and 74 NOCs.

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Environmental Protection Agency. "Revocation of Significant New Use Rule on a Certain Chemical Substance" Federal Register 75 (26 May 2010): 29429-29431.

Environmental Protection Agency. "Claims of Confidentiality of Certain Chemical Identities Contained in Health and Safety Studies and Data from Health and Safety Studies Submitted Under the Toxic Substances Control Act" Federal Register 75 (27 May 2010): 29754-29757.

Environmental Protection Agency. "Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Voluntary Cover Sheet for TSCA Submissions; EPA ICR No. 1780.05, OMB Control No. 2070–0156" Federal Register 75 (3 June 2010): 31432-31433.

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Environmental Protection Agency. "Certain New Chemicals; Receipt and Status Information" Federal Register 75 (9 June 2010): 32760-32763.