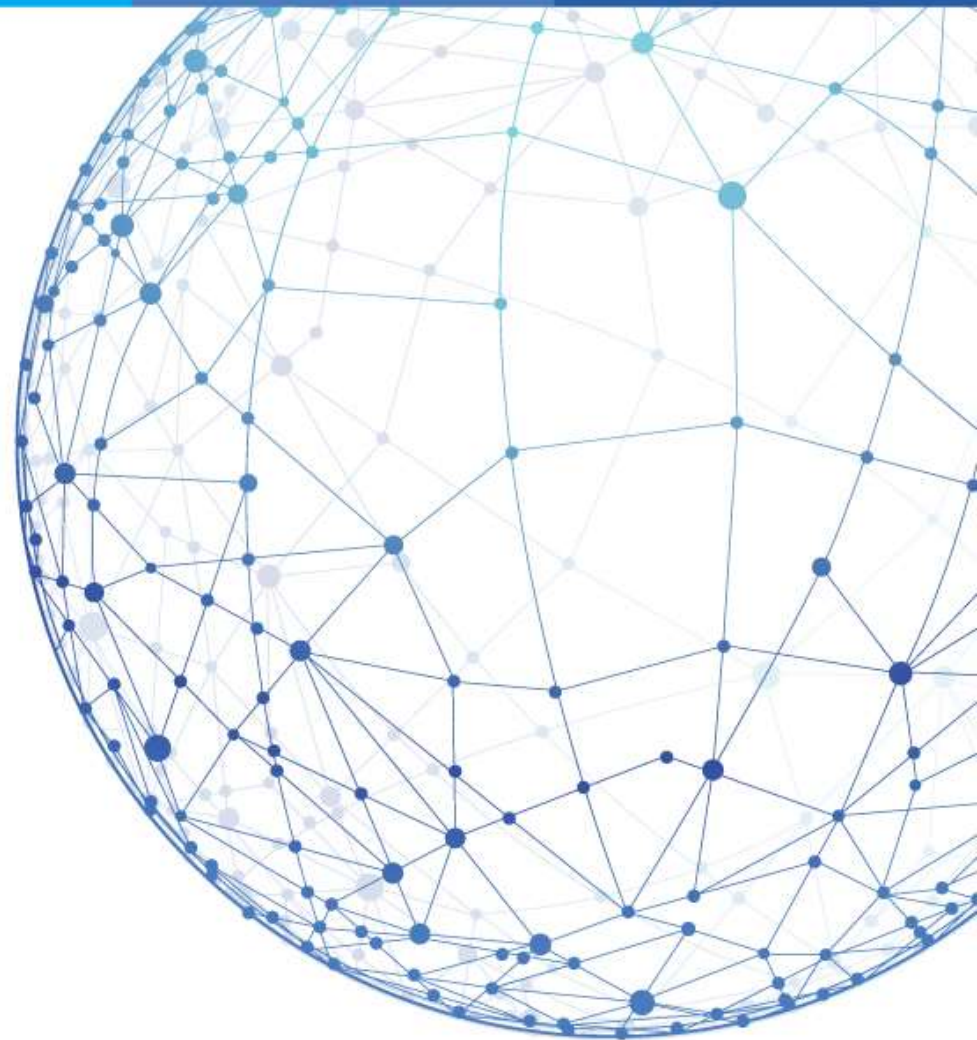


ECIA Environmental SME Group - Update

March 24, 2022

Prepared by Dan Carey and Don Elario



Agenda - Introductions



- Prop 65 – elimination of the short form warning
- TSCA PIP 3:1 – quick note on the compliance notification
- RoHS Exemptions – Pack 22 and Mercury exemptions
- RoHS Review of 2011/65/EU – EU Commission review of the RoHS Directive was due to be completed on July 2021; still pending results
- Radio Equipment Cybersecurity Requirements – EU RED, California, UK...
- PFAS Restrictions
- European Recycling Labeling Requirements – French Triman Logo and Italian packaging details
- German WEEE Document Requirements
- SCIP Database – round-the-call discussion on how implementation is going within your company
- Compliance & Risk (RINO) and Chemical Watch – pursuit of regulation database opportunity
- Uyghur Forced Labor Prevention Act (Xinjiang Product Ban)
- Summary – Q&A

Global Industry Practices Committee (GIPC)




Prop 65 – Proposed Short-Form Warning Change

Proposal: Current generic Short-Form warning with no chemicals listed will no longer be allowed!


 **WARNING:** ~~Cancer and Reproductive Harm~~ – www.P65Warnings.ca.gov.

Compliant Options:

1. Use the existing 'Long-Form' safe harbor warning, which requires at least 1 chemical per toxicity type (i.e. cancer or reproductive toxicity)

 **WARNING:** This product can expose you to chemicals including **Formaldehyde**, which is known to the State of California to cause cancer, and **Toluene** which is known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

2. Use the revised Short-Form warning, which also requires at least 1 chemical per toxicity type (i.e. cancer or reproductive toxicity), but is limited to where the label space < 12 sq inches

 **WARNING:** Cancer Risk From **Formaldehyde** and Reproductive Risk From **Toluene** Exposure - www.P65Warnings.ca.gov.



Prop 65 – Proposed Short-Form Warning Change (cont.)

Final Ruling Date: expected H1 CY2022

Operative Date: one year after final ruling, e.g. H1 CY2023

Reference: <https://oehha.ca.gov/proposition-65/crn/notice-extension-public-comment-period-proposed-modification-text-title-27>



TSCA PIP 3:1 – Compliance Date Extension Final Ruling

The EPA has recently issued a final rule for the Oct 31, 2024 PIP (3:1) compliance extension, which was originally proposed in Oct 2021. The prior deadline was Mar 8, 2022.

<https://www.regulations.gov/document/EPA-HQ-OPPT-2021-0598-0061>

Action

Final rule.

Summary

The Environmental Protection Agency (EPA) is amending the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA). Specifically, EPA is extending the compliance date applicable to the prohibition on processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, until October 31, 2024, along with the compliance date for the associated recordkeeping requirements for manufacturers, processors, and distributors of PIP (3:1)-containing articles. This final rule follows issuance of a proposed rule for public comment on October 28, 2021; comments on the proposed rule are responded to in this action.

Dates

This final rule is effective on March 8, 2022. For purposes of judicial review and 40 CFR 23.5, this rule shall be promulgated at 1 p.m. eastern standard time on March 22, 2022.



RoHS Exemptions – Pack 22 and Mercury exemptions

Pack 22

SiliconExpert “Oeko Final RoHS Exemptions Report”

<https://www.siliconexpert.com/blog/rohs-exemptions-report/>

“The Oeko-Institut has recently published a final report on the “Study to assess requests for a renewal of nine (-9-) exemptions 6(a), 6(a)-I, 6(b), 6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7 (c)-II of Annex III of Directive 2011/65/EU” (Pack 22). The recommendations included within will be presented to the European Union Commission for consideration and a final determination.”

Also see Oeko assessment report ([link](#)), starting on page 15 is a good summary

Mercury exemptions

EU “Commission publishes delegated acts ending the use of mercury in lamps”

https://ec.europa.eu/environment/news/commission-publishes-delegated-acts-ending-use-mercury-lamps-2022-02-24_en

“The European Commission has published twelve delegated acts ending a broad range of existing exemptions for the use of mercury in lamps, as mercury-free alternatives are widely available. The new rules aim to increase the protection of citizens’ and workers’ health and the environment from this hazardous substance, and will boost innovation and promote cleaner products.”



RoHS 2011/65/EU Review

The EU Commission is reviewing the RoHS Directive 2011/65/EU with the intent of proposing changes if appropriate. Note: this review is called for by Article 24 of the RoHS Directive and was to be completed in July 2021, so the EU Commission is running late.

To support this review process, the EU is inviting comments until 2 June 2022 to “provide evidence and give views on the best options to improve the RoHS Directive.” EU Public consultation [link](#).

Additional Reference:

- Steptoe ([link](#)), my red highlighting
“The results of the consultation will feed into the impact assessment supporting the review of the RoHS Directive. The consultation may significantly impact the requirements for placing on the EU market electrical and electronic equipment (EEE) products. It follows on from a “call for evidence” by the Commission earlier in the year. A legislative proposal for **revision of the RoHS Directive is scheduled in the Commission’s 2022 Work Programme for Q4.**”



Radio Equipment Cybersecurity Requirements – EU RED, California, UK

EU Radio Equipment Directive (RED) 2014/53/EU Cybersecurity Update

- “any radio equipment”, e.g. Bluetooth, GPS, Wi-Fi, etc., fall under the scope of the RED
- The RED has always had some security requirements (Article 3.3(d-f)), but a recent new amendment (Commission Delegated Regulation (EU) 2022/30) to the RED puts a focus on the cybersecurity of internet-connected equipment. The EU hopes that this amendment will lead to the following:
 - Improve network resilience
 - Better protect consumers' privacy
 - Reduce the risk of monetary fraud
- New harmonized standards will be created to support the new cybersecurity requirements

California SB-327 ([link](#)) – affects any device connected to the Internet, directly or indirectly

UK Product Security and Telecommunications Infrastructure (PSTI) ([link](#)) – proposed legislation that seems to be more narrowly focused on consumer connectable products compared to the RED



PFAS Restrictions

- per- and polyfluoroalkyl substances (PFASs) – family of thousands of man-made chemicals
- “PFAS are a group of chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water.” ([link](#))
- Known as the ‘forever chemicals’ because they are extremely stable such that they can persist for tens, hundreds, or perhaps thousands of years
- Proposed PFAS regulations primarily affect food packaging, textiles, paints, coatings, varnishes firefighting foams, and cosmetics industries
 - EU REACH Annex XVII restriction (entry 68) for “perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (‘C9-C14 PFCAs’)” ([link](#))
 - Proposed US EPA TSCA section 8(a) reporting requirement for PFAS – “EPA proposes to require persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards.” ([link](#))



European Recycling Labeling Requirements

French Recycling Labeling Requirements – French Triman Logo and Info-tri (Info sorting)

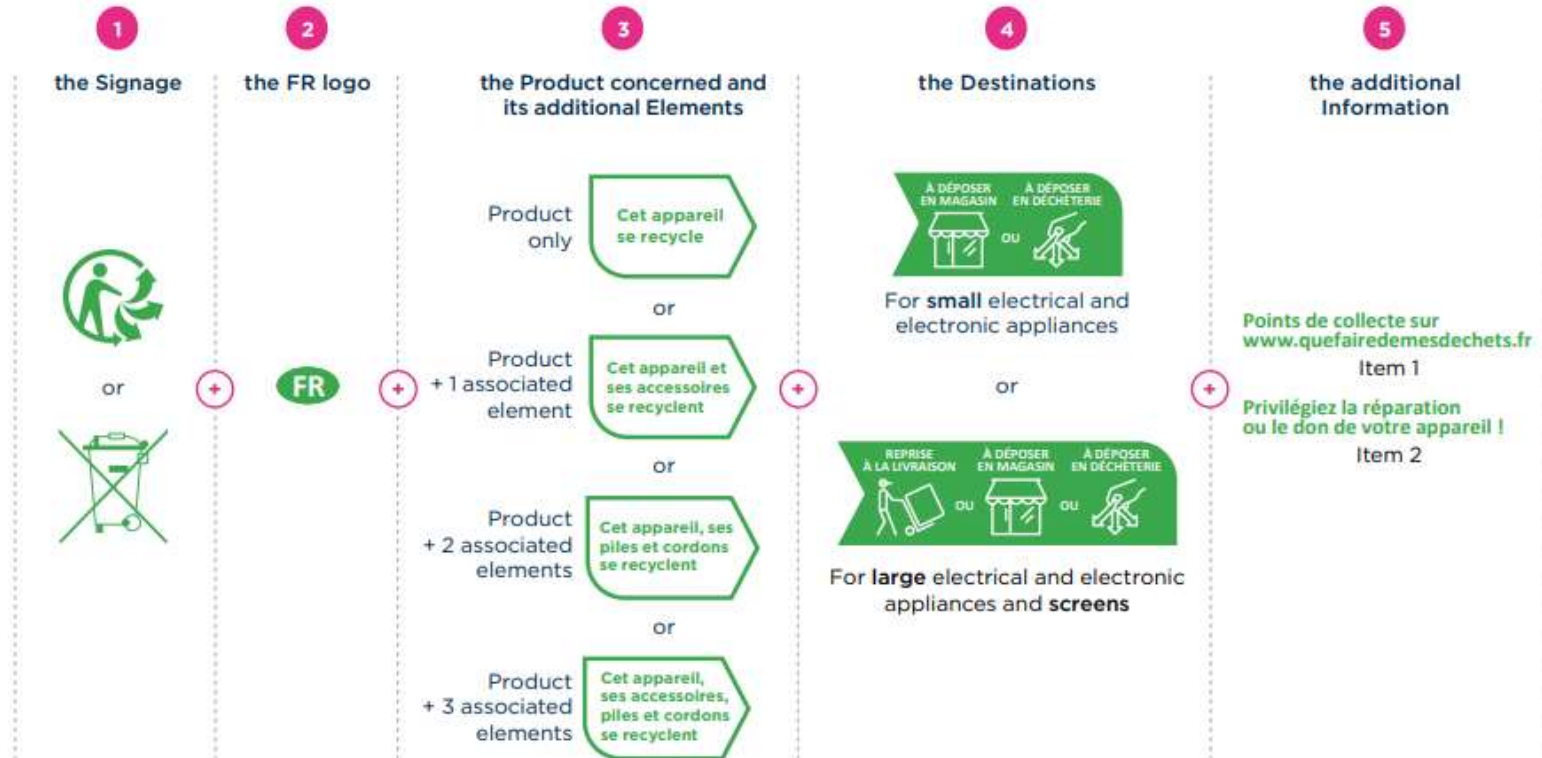
- must be affixed to all household packaging and all graphic paper ([link](#))
- must be affixed to all household products - EEE, portable batteries, photovoltaic panels, lamps and small fire extinguishers ([link](#))
- Deadline for both packaging and household products is 15 June 2023
- Sample logo design next page, which illustrates there are many different variations

Sample French Recycling Labeling

1. EEE - COMPOSITION



What are the 5 elements to be associated in the composition of the *Consumer Information on Sorting Rules*?





European Recycling Labeling Requirements

Italian Packaging Labeling Requirements

- new mandatory Italian packaging labeling requirements - contains alphanumeric code for each packaging material and disposal information (e.g. Raccolta Plastica)
- Includes both B2C Packaging and B2B Packaging
- “Italian Erion - Sectoral guidelines for the environmental labelling of packaging.pdf”
- Sample label below, but there are many different variations





German WEEE Document Requirements

Starting from 1 Jan 2022, Electrical Electronic Engineering (EEE) that is

1. sold to German private households must be accompanied with a guidance document
https://www.gesetze-im-internet.de/elektrog_2015/_18.html
2. sold to German end users and contains batteries must be accompanied with battery-specific information (battery type, chemistry, and safe removal instructions)
https://www.gesetze-im-internet.de/elektrog_2015/_4.html



SCIP Database – Pulse Check

Round-the-call discussion on how implementation is going within your company





Compliance & Risks (RINO) and Chemical Watch (enhesa) – Opportunity

Pursuit of regulation database opportunity



Uyghur Forced Labor Prevention Act (Xinjiang Product Ban)

1. How far down the supply chain will they go? The answer is “ALL THE WAY”
2. Urging CBP (Customs Border Patrol) to meet us in the middle by the deadline on June 21, 2022
3. Exemptions will be difficult to come by...
4. “Trusted Trader Program” to be developed for harmonization...
5. NAM comments are based on input received from an array of member companies throughout manufacturing sectors: Comments submitted to Federal Register on March 10, 2022
 1. Supply chain complexities and traceability challenges and recommended investment
 2. Importance of guidance regarding due diligence requirements
 3. Providing benefits for participants in trusted trader programs
 4. Increasing transparency and partnership regarding allegations, investigations and enforcement
 5. Timelines for enforcement and release
 6. Collaboration with U.S. allies and partners
6. Late April 2022: The Forced Labor Enforcement Task Force must hold a hearing - allow witnesses to testify with respect to the use of forced labor in China and potential measures to include tracing technology, supply chain transparency solutions and identification of third country supply chain routes, among other things.
7. May/June 2022: The Forced Labor Enforcement Task Force - must develop a robust strategy for supporting the implementation of the law



Global Industry Practices Committee (GIPC)



SUMMARY

