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1 This Update addresses significant chemical control regulations in China, Hong Kong, India, Indonesia, Japan, Malaysia, Russia, Singapore, South Korea, Taiwan, Thailand, and Vietnam. A list of acronyms used in this Update is provided.
NEW DEVELOPMENTS

New information is available on the following issues in this Update:

CHINA

MEP Publishes Forms To Register Hazardous Chemicals

MEP published on April 1, 2013, four supporting documents related to the trial measures for the environmental management of hazardous chemical registration (MEP Order No. 22), which took effect on March 1, 2013. The supporting documents include:

- Registration form;
- Change of registration certificate;
- A sample registration certificate; and
- Guidelines for the preparation of the environmental risk assessment report for priority hazardous chemicals for environmental management, which describes how substances should be classified, and environment exposure and risks reported.

The trial measures require entities producing, using, and importing or exporting hazardous chemicals to register with the local environmental protection department at the county level and above. More information is available, in Chinese, at http://www.mep.gov.cn/gkml/hbb/bgt/201303/t20130329_250125.htm.

Possible Impact on Metals Industry: Member companies producing, using, and importing or exporting hazardous chemicals are required to register with the local environmental protection department at the county level and above.

Suggested Actions: Hazardous chemicals are defined as highly toxic chemicals and other chemicals that are toxic, corrosive, explosive, flammable, and do harm to human body, facilities and environment. Member companies should review chemicals of concern for any that meet these criteria.

Catalog Of Hazardous Substances Could Be Reduced
At an April 2013 industry training seminar in Hangzhou, an NRCC official stated that the forthcoming revised Catalog of Hazardous Chemicals may include just 3,000 substances, not the 7,000 substances that were expected, and fewer than the current 3,800 substances. According to the official some ministries are reluctant to add substances to the Catalog because it will create new obligations for industry, such as additional registrations, special permits, and possibly inspections. The Catalog is being revised under Decree 591, which regulates hazardous chemicals through the entire supply chain, including import, manufacture, storage, distribution, and use. The Decree is the main law regulating existing substances in China and implementing the GHS. Before the Catalog is issued in final, it will be released in draft for public consultation, as well as evaluation by an expert panel.

**Possible Impact on Metals Industry:** Member companies using any listed chemicals could be subject to additional registrations, special permits, and possible inspections.

**Suggested Actions:** Monitor for release of the draft Catalog for public consultation.

**NRCC Launches Online Hazardous Chemical Registration System**

NRCC recently launched its new online registration system for hazardous chemicals. Companies importing hazardous chemicals should create user accounts and begin the registration work through the “Information Management System for Hazardous Chemicals (new)” by **June 30, 2013**. Hazardous chemical manufacturers who apply for registration extensions should submit their applications through the old version of the registration system, which is still available. The new online registration system includes a list of 3,466 hazardous chemicals that reportedly could be regarded as the draft of the revised Catalogue of Hazardous Chemicals.

**Possible Impact on Metals Industry:** Member companies importing hazardous chemicals must switch to the new online registration system.

**Suggested Actions:** Member companies importing hazardous chemicals should create user accounts and begin the registration work by **June 30, 2013**.

**HONG KONG**

There is no new publicly available information to report regarding significant chemical control regulations in Hong Kong.

**INDIA**

There is no new publicly available information to report regarding significant chemical control regulations in India.
INDONESIA

Indonesia Amends C&L Framework To Align With The GHS

The Ministry of Industry amended the C&L framework to align with the fourth revised edition of the GHS. Under Decree No. 23/M-IND/PER/4/2013, companies must update their SDSs and labeling for imported and domestically-manufactured substances. The Decree includes newly-introduced or amended hazard classes: substances that are hazardous to the ozone layer; chemically unstable gases; and aerosols (including both flammable and non-flammable aerosols). The amended framework requires companies to comply with GHS requirements for substances by July 12, 2013, and for mixtures by December 31, 2016. Exemptions are provided for mixtures manufactured by small- and medium-sized Indonesian enterprises and for pharmaceutical products, food additives, and pesticide residue in food. More information is available at http://regulasi.kemenperin.go.id/site/baca_peraturan/1483.

Possible Impact on Metals Industry: The amended framework requires chemical manufacturers to revise their SDSs and labels once the product information changes or at least every five years.

Suggested Actions: Indonesia has not yet announced any cut-off values and concentration limits or formally adopted the use of the GHS “building block” approach. The Federation of the Indonesian Chemical Industry expects Indonesia to follow EU’s CLP regulations concerning these aspects, however. Monitor for further developments.

JAPAN

Japan Updates Chemical Notification Manual

METI has published an updated version of the chemical notification manual, which includes the submission and documentation requirements for notifications. Under the CSCL, companies manufacturing or importing existing chemicals included on the lists below and above certain thresholds must notify Japanese authorities each year of the previous year’s production and importation quantities. The manual covers substances on the following lists:

- List of General Chemical Substances;
- List of Priority Assessment Chemical Substances; and
- List of Monitoring Chemical Substances.

**Possible Impact on Metals Industry:** Member companies manufacturing or importing existing chemicals included on the lists above and above certain thresholds are subject to notification requirements.

**Suggested Actions:** Member companies should review the lists above for chemicals of concern.

**MALAYSIA**

There is no new publicly available information to report regarding significant chemical control regulations in Malaysia.

**SINGAPORE**

There is no new publicly available information to report regarding significant chemical control regulations in Singapore.

**SOUTH KOREA**

**MOE Road Map Focuses On Chemical Safety**

On April 4, 2013, MOE announced its policy road map for 2013. According to the road map, MOE will propose a law to strengthen chemical industry safety. The law would include a “three strikes” provision to allow authorities to order a company to shut down after a third chemical incident within a set period of time. The law also would hold executives liable for financial damage from any chemical incident. MOE also intends to increase the number of risk assessments for existing substances from fifteen per year to approximately 300, beginning in **2015**. Assessments currently are focused on new imported or manufactured substances, but there is a perceived need for increased scrutiny of chemicals already in use.

**Possible Impact on Metals Industry:** Following the inspection of 1,267 workplaces where hazardous chemicals are handled, South Korea charged 76 workplaces with violations of OSHA. Member companies with facilities in South Korea could be subject to increased scrutiny.

**Suggested Actions:** Monitor for further developments.
National Assembly Approves Korean REACH

The National Assembly unanimously enacted on April 30, 2013, the Act on the Registration and Evaluation of Chemicals, which would implement a REACH-like system of chemical regulation. Companies manufacturing, importing, using, and selling chemicals would be required to report annual volumes and purposes. Existing chemicals manufactured, sold, or imported in quantities greater than one tonne annually would be subject to the filing requirements for that chemical. Manufacturers and importers would be required to register with MOE before the manufacture or import of regulated chemicals. MOE would determine whether a registered chemical requires a toxicity evaluation. Evaluations would be mandatory for chemicals with an annual aggregate manufacturing or import volume of ten tonnes or more. The proposed legislation would have required biennial reporting, rather than annual. MOE drafted the proposed legislation, which was modified by the National Assembly’s Environment and Labor Committee, and then revised again to incorporate some provisions from MOE’s proposal and make other technical changes. The Law will take effect on January 1, 2015. A translation of the Act is available at http://www.lawbc.com/uploads/docs/English_translation_Korea_REACH_Act_on_Registration_and_Evaluation_e.pdf. This translation is provided as a courtesy and is not an official document. The complete text of the Act is available, in Korean, at http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_C1P3R0E4E300M1T7S0O6W5E4O5U8E4. More information is available in B&C®’s May 17, 2013, memorandum, which is available at http://www.lawbc.com/regulatory-developments/entry/south-koreas-national-assembly-adopts-k-reach/.

Possible Impact on Metals Industry: Registration must be conducted by the manufacturer, importer, or Only Representative. Substances that must be registered are new substances, existing substances manufactured or imported in volumes of at least one tonne per year, and substances that can cause serious health or environmental damage, regardless of the tonnage. Companies can apply for registrations individually, but the registration data must be supplied on behalf of all of a substance’s registrants by the lead registrant. Companies can apply to opt out of joint registration, however.

Suggested Actions: Monitor for further developments. Information on how the Act must be implemented will be included in a Presidential decree and a Ministerial decree, but there is no indication when these will be published.

National Assembly Amends The Toxic Chemicals Control Act

On May 7, 2013, the National Assembly passed a bill that would amend the Toxic Chemicals Control Act. Under the amendments, companies responsible for leaking chemicals would face fines of up to five percent of annual sales. The fines would be based on sales at an individual workplace rather than on company sales as a whole. MOE would have the authority to increase or reduce fines by half, depending on the number and severity of offices and the size of the workplace. Executives and employees held responsible for chemical-related worker fatalities

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could face up to ten years in prison. The amendments would introduce new safety requirements, including off-site consequence analysis on the spillover effects of a potential chemical incident, as well as on-site rapid response emergency-handling procedures. The Toxic Chemicals Control Act would be renamed the Chemicals Control Act to indicate the broader scope of chemical controls under the law. The bill is available, in Korean, at http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_Y1G3I0H4H2V4T1Z1Q3Q6P3H2Q8T3S2.

Possible Impact on Metals Industry: Member companies with facilities in South Korea would be subject to the new safety requirements.

Suggested Actions: Monitor for further developments. President Park Geun-hye is expected to sign the bill in the next month or two, and the amendments would take effect January 1, 2015.

TAIWAN

CLA Conducting Survey On GHS Progress In Taiwan

CLA is conducting a survey to evaluate the implementation of Stages One and Two GHS classified hazardous chemicals and to support the development of the Stage Three List, and obtain comments about GHS progress. According to CLA, the selection process of the Stage Three GHS classified hazardous chemicals is coming to an end, and CLA intends to release the List for public comment in the second half of 2013. The survey is available at http://demo.pro2e.com.tw/query/content/QueryWrite.aspx.

Possible Impact on Metals Industry: Member companies using chemicals on the Stage Three List will need to comply with GHS requirements.

Suggested Actions: Member companies should consider participating in the survey. Monitor for release of the Stage Three List for public comment.

THAILAND

Thailand Intends To Amend HSCA

During a May 17, 2013, meeting, Thailand announced plans to amend the HSCA. Thailand began a public consultation to collect comments on problems or improvements to the HSCA. Comments are due June 17, 2013. Thailand will hold four public hearings in July 2013. After Thailand publishes a draft amendment, a second public consultation will be held.

Possible Impact on Metals Industry: Amendments could increase the regulatory
burden for member companies.

**Suggested Actions:** Consider submitting comments. Monitor for further developments.

**Thailand Proposes Combining Hazardous Substance Lists**

Thailand has proposed combining its eight hazardous substance lists into a single list that would identify chemicals using both their Thai and English names. Six agencies currently regulate the hazardous substances lists: the Department of Industrial Works; the Food and Drug Administration; the Department of Agriculture; the Department of Livestock Development; the Department of Fisheries; and the Department of Energy Business. Some of the lists are regulated by more than one agency. Once the lists have been combined, agencies will regulate separate sections. Hazardous substances would still be classified as four types. If a risk assessment report is required, it would be submitted to the Department of Industrial Works for consideration, and a permit would be issued before manufacturing, import, or use. Comments are due **June 10, 2013**.

**Possible Impact on Metals Industry:** Combining the eight separate hazardous substance lists would simplify the compliance process for member companies.

**Suggested Actions:** Consider submitting comments.

**VIETNAM**

**Vietnam Issues Registration Requirements For Hazardous Substances**

On April 22, 2013, the Vietnamese Ministry of Industry and Trade published a circular for the registration of hazardous substances used to produce products and goods in the industrial sector. The Ministry listed 117 chemicals that are subject to mandatory reporting and registration requirements. Under the requirements, which will take effect **January 1, 2014**, companies must report uses of the listed chemicals twice a year, by June 10 and December 31. More information is available, in Vietnamese, at [http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?vID=13179](http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?vID=13179).

**Possible Impact on Metals Industry:** The listed chemicals include ceramic fibers (aluminosilicate) (aluminosilicate refractory ceramic fibers (SiO2, Al2O3)); lead chromate; lead chromate molybdate sulphate red (C.I. Pigment Red 104); lead diazide; lead dinitrate; lead dipicrate; lead hydrogen arsenate; lead oxide sulfate; lead styphnate; lead sulfochromate yellow (Pigment Yellow 34); lead titanium trioxide; lead titanium zirconium oxide; lead (II) bis(methanesulfonate); and zirconia aluminosilicate refractory ceramic fibers (ZrRCF).

**Suggested Actions:** Member companies should review the listed chemicals for any
chemicals of concern and prepare to comply with the mandatory reporting and registration requirements.

* * * * *

Unless otherwise noted, if you have questions about any item summarized above, please call or e-mail Carla N. Hutton at (202) 557-3809 or chutton@lawbc.com. For other inquiries, please call or e-mail Lynn L. Bergeson at (202) 557-3801 or lbergeson@lawbc.com.
ACRONYMS

C&L -- Classification and Labeling
CLA -- Council of Labor Affairs
CLP -- Classification, Labeling, and Packaging
CSCL -- Chemical Substances Control Law
EPA -- Environmental Protection Agency
EU -- European Union
GHS -- Globally Harmonized System of Classification and Labeling of Chemicals
HSCA -- Hazardous Substances Control Act
Importer -- In-Country Importer
Manufacturer -- In-Country Manufacturer
MEP -- Ministry of Environmental Protection
METI -- Ministry of Economy, Trade, and Industry
MOE -- Ministry of Environment
NRCC -- National Registration Center for Chemicals
OSHA -- Occupational Safety and Health Act
REACH -- Registration, Evaluation, Authorization and Restriction of Chemicals
SDS -- Safety Data Sheet