

Enhesa flash

global ehs compliance assurance **now also in French**

No. 35 Apr 2007

Brussels • Washington

addressing developments throughout January and February 2007

Enhesa-DCA Webinar - What's next? Implications of REACH and other new EU policies and programs on the horizon for the electronics and telecommunications industries

Besides briefing you on recent Enhesa projects and Enhesa services on a regular basis, the **Enhesa Flash** is aimed at alerting you to new EHS Regulatory developments of interest to industry as they occur in over 60 countries and regions around the globe.

If you are not aware of what these new developments require from you and how they impact you, please contact Enhesa for additional support at enhesa@enhesa.com.

Inside this issue:

| | |
|---|-------|
| Enhesa-DCA Webinar | 1-5 |
| EU steps up environmental law enforcement | 1-9 |
| European Union Strategy 2007-2012 on Health and Safety at Work released | 8 |
| Enhesa Chemical Tracking Service | 12 |
| Upcoming events | 12-14 |
| <i>Adopted EHS Regulations:</i> | |
| • Asia-Pacific | 2-3 |
| • Africa and the Middle East | 3 |
| • European Union | 3 |
| • Central and Eastern Europe | 4-5 |
| • Western Europe | 6-8 |
| • North America | 10 |
| • Central and South America | 11 |

Did you know?

...that the European Union's new Regulation on the Registration, Evaluation, and Authorization of Chemicals (REACH) requires that substances contained in products placed on the market be notified or, in some cases, even authorized, by as early as 2009?

...that consumer electronics is one of the priority product groups for eco-design requirements under the EU's Energy-using Products (EuP) Directive?

...that such products must contribute to the objective to save 20% of primary energy consumption?

These, and others, are the questions dealt with during one-hour web seminars hosted on the 20th and 28th of March by Enhesa and California-based Design Chain Associates (DCA) for com-

panies in the electronics and telecommunications industries.

Forty-three product-stewardship managers from thirty-two companies spanning the breadth of this industry participated in the one-hour web seminars held on two days one week apart. In addition to a presentation on the "future shocks" facing the industry in as little as two years' time, made by Enhesa's Clay Clarke, participants were provided a summary, by Mike Kirschener of DCA, of a previously administered survey of the key challenges facing the industry. Industry leaders, including companies such as Alcatel-Lucent, Eastman Kodak, General Electric, Tyco, Honeywell, UTC, Texas Instruments and others, also engaged in a general and industry-wide dialogue to share experiences and concerns, as well as notions on potential new opportunities, with the

(continued on page 5)

EU steps up environmental law enforcement

On 9 February 2007 the European Commission re-introduced its proposal for a Directive on the protection of the environment through criminal law. This is the latest in a series of developments that are fundamentally changing the regulatory environment in Europe. For the past forty years the European Union had to limit its intervention in environmental matters to rule-making. This has resulted in what seems like an unlimited growth in environmental requirements, often quite innovative in nature, which have guided governments around the globe.

These rules have little or no meaning if they are not properly enforced, and this is a major problem in several of the European Union Member States. In the past years, the European Commission has attempted to boost better enforcement of European environmental law. The increasing activity and importance of the network of environmental enforcement agencies (IMPEL) is indicative in this regard. Whereas IMPEL remains a voluntary initiative, the latest proposal of the Commission intends to ensure proper enforce-

ment of environmental law at national level. The proposed Directive wants to introduce criminal sanctions which would be sufficient to achieve full compliance with Community law.

According to the proposed Directive, the Member States would have to ensure that activities listed in Article 3 of the proposal are criminal offences, when they are committed intentionally or with at least serious negligence. The listed activities include:

- the discharge, emission or introduction of a quantity of materials or ionizing radiation into air, soil or water, which causes death or serious injury to any person (note that in this provision the activity does not need to be unlawful);
- the unlawful discharge, emission or introduction of a quantity of materials or ionizing radiation into air, soil or water, which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, soil, water, animals or plants;
- illegal shipment of waste,

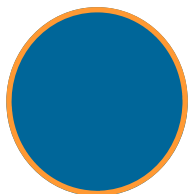
(continued on page 9)



The Enhesa Flash is distributed free of charge by Enhesa.

Visit our website www.enhesa.com for more information about our regulatory compliance services.

During January and February 2007 several new environmental, health and safety regulations were adopted that could directly impact your business. The following overview provides you with a descriptive title for the regulatory developments per country, the formal adoption date and the ID number of the monitoring report in the Enhesa Knowledgebase.



Asia Pacific

Australia

- Environment Protection and Biodiversity Conservation Amendment Regulations 2007 (No. 1) - 15-Feb-07 [14184]
- Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007 (No. 1) - 15-Feb-07 [14192]
- Occupational Health and Safety (Commonwealth Employment) Act 1991 renamed and coverage extended - 14-Sep-06 [7398]
- Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2007
- Octabromodiphenyl ether removed from the Australian Inventory of Chemical Substances - 6-Feb-07 [10704]
- NSW: Amendments to the Environmental Planning and Assessment Regulation 2000 - 1-Mar-07 [14165]
- NSW: Building Professionals Act 2005 enters into force - 7-Dec-05 [9885]
- NSW: Building Professionals Regulation 2007 - 25-Jan-07 [13830]
- NSW: Clarification of exemptions to control of burning requirements under the Protection of the Environment Operations (Clean Air) Regulation 2002 - 25-Aug-06 [12577]
- NSW: Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2007 - 25-Jan-07 [13817]
- NSW: Environmental Planning and Assessment Amendment (Fees) Regulation 2007 - 12-Jan-07 [13801]
- NSW: Environmental Planning Legislation Amendment Act 2006 - 4-Dec-06 [13110]
- NSW: Further amendments to the Environmental Planning and Assessment Regulation 2000 for existing uses - 9-Feb-07 [11399]
- NSW: Protection of the Environment Operations (Waste) Amendment (Land Waste) Regulation 2007 - 23-Feb-07 [14179]
- NSW: State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 - 16-Feb-07 [14181]
- Victoria: Outdoor water use restrictions increased - [13023]

Singapore

- No new legal developments were identified during this period

Malaysia

- No new legal developments were identified during this period.

New Zealand

- Amendments to the minimum energy Performance standards and mandatory energy performance labelling programme - 26-Feb-07 [4362]
- New Zealand Inventory of Chemicals released - 9-Feb-07 [13999]

South Korea

- Burden on waste management reduced - 14-Feb-07 [4252]
- Globally harmonized system incorporated in the Korean regulatory system - 12-Dec-06 [13164]
- Health standards on offices, asbestos and musculoskeletal disorder cleared - 5-Feb-07 [13548]
- Persistent organic pollutants under control - 22-Dec-06 [13068]
- Stockholm Convention on Persistent Organic Pollutants ratified - 25-Jan-07 [5103]

Japan

- Assigned Amount Registry System for greenhouse gas emissions set up - 23-Feb-07 [14010]
- GHS label usable for class-2 specific chemicals - 12-Jan-07 [13861]

India

- Eligibility criteria for consultants performing environmental impact assessments - 1-Oct-06 [13836]

Indonesia

- No new legal developments were identified during this period.

Hong Kong

- No new legal developments were identified during this period.

Philippines

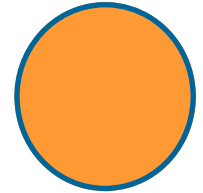
- List of classified water bodies for the purpose of waste water discharge - 27-Feb-07 [14182]

Pakistan

- No new legal developments were identified during this period

(continued on page 3)

Asia Pacific



China

- Hygienic Standard for Cosmetics amended - 4-Jan-07 [13835]
- Implementation measures on Hygienic Standard for Cosmetics (2007) issued - 13-Feb-07 [14159]
- Regulation on safety requirements for gamma irradiating apparatus for flaw detection adopted - 15-Jan-07 [13903]
- Regulation on the management of certified safety engineer adopted - 11-Jan-07 [13764]
- Regulation on the management of permission for urban wastewater discharge entered into force - 25-Dec-07 [14037]
- Regulation on the Safe Supervision and Inspection of Lifting Equipment adopted - 29-Dec-06 [13809]
- Supplementing chemical into the Existing Chemicals List possible again - 12-Jan-07 [13823]
- Work place occupational hazards notification needed - 1-Feb-07 [14017]

Taiwan

- Control on discarded lead accumulator amended - 16-Feb-07 [14102]
- Regulation on the labor health and safety facilities amended - 14-Feb-07 [14118]

Kazakhstan

- No new legal developments were identified during this period.

Thailand

- No new legal developments were identified during this period.

Vietnam

- No new legal developments were identified during this period

Africa and the Middle East

South Africa

- Various Amendments to the Compensation for Occupational Injuries and Diseases Act regarding Compensation Fund contributions in 2007 - 2-Feb-07 [13978]

Egypt

- No new legal developments were identified during this period.

Qatar

- Regulation on Requirements for Adequate Housing for Workers Adopted - 25-Sep-05 [14107]

Israel

- No new legal developments were identified during this period.

Saudi Arabia

- Implementing Rules of CCGC Unified Code for the Management of Medical Wastes adopted - 1-Dec-06 [14078]

Measure your compliance performance

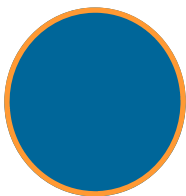
Are all of your facilities in compliance with these EHS regulatory requirements?

Enhesa develops Score-Cards and Audit Protocols that can be used by facility and corporate management to identify weaknesses and ensure compliance.

For help with identifying and understanding legal requirements before they impact your business, please contact us at info@enhesa.com for further details.

European Union

- Annex V to Regulation EC/850/2004 on persistent organic pollutants has been amended - 16-Feb-07 [14143]
- Decision exempting decaBDE from the scope of RoHS Directive practically repealed - 18-Jan-07 [8778]
- Seventh publication of the List of Notified Chemical Substances (ELINCS) - 10-Jan-07 [8384]
- The Greens are concerned about plant fuels - 31-Jan-07 [13881]



Central and Eastern Europe

Over 60 EHS Country Profiles available

Enhesa's array of EHS Country Profiles is continually growing. To date we have Country Profiles for more than sixty countries. Enhesa has recently developed or updated comprehensive EHS country profiles for the following countries:

- China National
- China Shanghai
- France
- Germany
- India
- Netherlands
- Portugal
- Slovakia
- Sweden

To find out about purchasing any of these, or having a tailor-made EHS country profile drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at info@enhesa.com.

Poland

- Amendments to Energy Act regarding co-generation of heat and power - 12-Jan-07 [13896]
- Annual fee regarding electrical and electronic equipment - 29-Jul-05 [13850]
- Consolidated text of the Act on Railway Transport of 2003 published - 1-Feb-07 [13900]
- Consolidated text of Waste Act published - [14098]

Czech Republic

- Amendment to Decree No. 232/2004 on the classification, packaging and labeling of dangerous preparations adopted - 2-Feb-07 [14121]
- Changes in the leadership of the Czech Ministry of Environment - 9-Jan-07 [13889]
- Decree on technical requirements for fire equipment adopted - 22-Feb-07 [14122]
- The format for greenhouse gas emissions published together with the guidance - 2-Feb-07 [10907]

Hungary

- Amendment of the rules on taking back and handling of end-of-life vehicles - 23-Dec-06 [13989]
- Labour Safety Act Amended - 18-Dec-06 [13990]
- Restrictions of the use of certain dangerous substances in electrical and electronic equipment amended - 18-Jan-07 [14117]
- Rules regarding providing safe working conditions and the appropriate way of using certain dangerous equipment amended - 9-Mar-07 [14119]

Lithuania

- Packaging and packaging Waste Management Rules amended - 10-Jan-07 [13991]
- Rules on the issue, renewal and cancellation of IPPC permits amended - 9-Jan-07 [13988]
- Waste management rules amended - 23-Jan-07 [13986]

Serbia

- No new legal developments were identified during this period.

Turkey

- Circular on the implementation of inspection and monitoring operations 2007/3 - 30-Jan-07 [14007]
- Establishment of the Parliamentary Commission on Climate Change - 17-Feb-07 [14008]
- Notification on the Administrative Fines imposed in accordance with the Environmental Law 2007/2 - 31-Jan-07 [13791]
- Notification on the assignation of the Turkish Standards Institution as a notified body - 31-Jan-07 [13792]
- Notification on the control of fuel due to environmental protection 2007/7 - 30-Dec-07 [10015]
- Notification on the import of acrylnitril - 13-Jan-07 [13775]
- Notification on the provisions applicable to establishments aim to conduct risk assessments and prepare emergency plans 2007/3 - 10-Feb-07 [14005]
- Notification on the registration of user certificates obtained for dual use goods and technologies - 19-Jan-07 [13774]
- Protocol on the implementation of the Vienna and Paris Conventions on Civil Liability for Nuclear Damage - 19-Nov-06 [13763]
- Republished Regulation on Lift 95/16/EC - 31-Jan-07 [13790]
- Republished Regulation on pressure vessels 97/23/EC - 22-Jan-07 [13773]

Romania

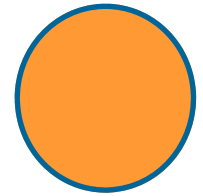
- Commissions for Prevention of Accidents and Workers Protection, Technical Documents for Information/Training in Labour Security & Health Regulation - 12-Jan-07 [14135]
- Methodology regarding plans and programs for air quality management approved - 11-Jan-07 [14130]
- National lists of product conformity evaluation repealed - 3-Jan-07 [14133]
- Standard forms for recording work accidents approved - 3-Jan-07 [14138]

Russia

- Competencies of the Ministry of Natural Resources in the area relating to water management defined - 13-Dec-06 [13780]

(continued on page 5)

Central and Eastern Europe



(Russia - continued from page 4)

- Criteria adopted for classifying water bodies as subject to either state federal or state regional supervision - 4-Nov-06 [13772]
- Instruction adopted on the organisation of the issue of permits that allow wastewater discharge into the environment (water bodies) - 10-Jul-06 [13786]
- List published of the facilities that are subject to the state federal supervision on the use and protection of water bodies - 18-Dec-06 [13779]
- Order adopted on the Implementation of the Federal Law on Environmental Expert Assessment - 6-Feb-07 [14158]
- Regulation adopted on the issue of licences for the operation of facilities with an explosion hazard - 17-Jan-07 [13784]
- Regulation on the State Control and Supervision of the Use of Water Bodies adopted - 25-Dec-07 [13766]
- Rules for the calculation and charging of fees for the use of federally owned water bodies adopted - 14-Dec-06 [13770]
- Rules for the issue of decisions that allow the use of water bodies adopted - 30-Dec-06 [13765]

Enhesa-DCA Webinar - What's next?

(continued from page 1)

aim of forging new contacts and eventual alliances in meeting these challenges.

The key message of the joint DCA-Enhesa presentation was to look at and beyond the current horizon to better understand what lies in store for the electrical and electronics products industry in terms of a broader "extended producer responsibility" regime. As the dust starts to settle on the implementation of the EU's directives on the take-back and recycling of waste electrical and electronic equipment and the restriction of hazardous substances in such products (WEEE and RoHS directives), it is time to take another look at, and even over, the horizon to identify and plan for new challenges facing product manufacturers with the aim of protecting the environment. With the adoption of WEEE and RoHS, the European Union has taken the lead on hazardous substances legislation over the United States. WEEE makes producers and importers responsible for the final stages of the product's life-cycle whereas RoHS attacks the initial stage - product design. The EU's new REACH Regulation, which comes into effect as of 1 June 2007, goes even further, and with its broader scope European legislators hope that they will gain sufficient information to take decisions on risk management measures including substance authorizations and marketing and use restrictions.

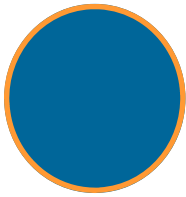
Product environmental impacts are also being tackled in their "use phase". The EU aims to spread its new energy efficiency requirements, as embodied in the new EuP Directive, to other parts of the world. On 10 January 2007, the European Commission proposed an energy package including plans for a new international agreement on energy efficiency which would bring together the OECD (Organization for Economic Cooperation and Development) and other countries (China, India and Brazil) to restrict products failing to meet new minimum energy

efficiency standards. The energy efficiency policy translates with respect to products in the EuP Directive. The Working Plan of the Commission, expected in July 2007, will outline the program for adopting specific eco-design requirements for 14 product categories including consumer electronics.

With this recent wave of European product legislation, the attention of the policymakers is shifting from initiatives aimed at addressing one stage in the product cycle (i.e., waste avoidance) to a holistic approach regulation. Product design is now emerging as the key stage of the product life-cycle, offering both opportunities and costs. Future challenges will revolve around reducing, or even eliminating, environmentally problematic materials and substances in products in order to prevent their entering the environment in the first place, as well as reducing the energy required to obtain the same results, in order to minimize feared negative climate impacts.

But while manufacturers face new business risks engendered by these policy changes, including risks to the security of materials supply, additional costs associated with design and development of compliant products and new competitive pressures to "go green", there are also many potential opportunities. Minimizing, or fully eliminating waste not only saves money, but can open new markets for materials that companies otherwise would have paid to dispose of. Achieving higher energy efficiency will be rewarded by consumers already facing significant increases in their energy bills, and will afford significant "green credibility" to those seen as fighting global warming. Perhaps most significantly, the convergence of global standards will help to promote lower design and development costs and expanded sales will result from an increasingly globalized market.

- Paul Beatley, Enhesa Director



Western Europe

For more details on any of these developments, you can subscribe to the **Enhesa Update** (1000 EUR/year) or register to receive **detailed monitoring reports**. For further information visit <http://www.enhesa.com/enhesa/EN/service/monitoring.asp>

We are constantly expanding the geographic scope of our EHS Regulatory Monitoring.

The current number of countries covered on a daily, in-depth basis now stands at over 80.

France

- Adoption of VOC emission measuring methods - 24-Nov-06 [13717]
- Compliance with VOC emission limits further detailed - 24-Nov-06 [13767]
- Limited value for fugitive VOC emissions from activities involving heliogravure or surface printing established - 24-Nov-06 [13771]
- Marketing and use restrictions for toluene, dichlorobenzene and certain polycyclic aromatic hydrocarbons in extender oils and tyres adopted - 8-Jan-07 [13839]
- New exemptions to restrictions on hazardous substances in electronic and electrical equipment adopted - 23-Nov-06 [13833]
- Order on classification, packaging and labeling of dangerous preparations amended - 7-Feb-07 [14111]
- VOC emission limits for activities involving coating, baking or drying of paint, varnish, adhesive, etc. lowered - 24-Nov-06 [13769]
- Water Law adopted - 30-Dec-06 [14137]

Finland

- Adopted a Decree on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air - 8-Feb-07 [14167]
- Adopted a Decree on emissions trading - 22-Feb-07 [14160]
- Adopted an Act amending the Act on emissions trading - 2-Feb-07 [14166]
- Adopted an Act amending the Act on Land use and Planning - 2-Feb-07 [14156]
- Adopted an Act on Emergency Equipment - 12-Jan-07 [14168]
- Adopted an Act on the Use of the Kyoto Flexible Mechanisms - 2-Feb-07 [12395]
- Adopted D1 of the National Building Code relating to water and sewerage systems in buildings - 24-Jan-07 [14171]

Denmark

- Privatization of the control on pressurized equipment - 31-Jan-07 [14120]
- Statutory Order on Oil Tanks entered into force - 22-Dec-06 [13244]

Switzerland

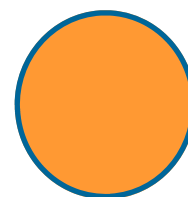
- ADR 2007 published - 12-Dec-06 [13935]

United Kingdom

- Adopted the Biocidal Products (Amendment) Regulations 2007 - 6-Feb-07 [14110]
- Adopted the Food Hygiene (England) (Amendment) Regulations 2007 - 9-Jan-07 [14114]
- Adopted the Food Hygiene (Wales) (Amendment) Regulations 2007 - [14112]
- Adopted the Offshore Installations (Safety Zones) Order 2007 - 10-Jan-07 [14113]
- Adopted the Offshore Petroleum Activities (Conservation of Habitats)(Amendment) Regulations 2007 - 16-Jan-07 [14116]
- The Construction (Design and Management) (CDM) Regulations 2007 adopted - 7-Feb-07 [13271]
- The Air Navigation (Dangerous Goods) (Amendment) Regulations 2007 adopted - 10-Apr-06 [11667]
- The Air Quality Standards Regulations 2007 adopted - 18-Jan-07 [12886]
- The Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2007 adopted - 19-Feb-07 [14049]
- Adopted the Petroleum Act 1998 (Third Party Access) Order 2007 - 7-Feb-07 [14109]
- Northern Ireland: Adopted the Passenger and Goods Vehicles (Recording Equipment) (Tachograph Card) Regulations (Northern Ireland) 2007 - 24-Jan-07 [14189]
- Northern Ireland: The Health and Safety (Fees) Regulations (Northern Ireland) 2007 adopted - 6-Feb-07 [14188]
- Northern Ireland: The Control of Asbestos Regulations adopted - 22-Jan-07 [13924]
- Scotland: Adopted Sulphur Content of Liquid Fuels (Scotland) Regulations 2007 - 30-Jan-07 [14089]
- Scotland: Adopted the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 - 14-Feb-07 [14090]
- Wales: A ban on smoking at workplaces introduced - 30-Jan-07 [14052]
- Ordinance on Waste Electrical and Electronic Equipment amended - 1-Mar-07 [14023]

(continued on page 7)

Western Europe



Belgium

- Royal Order on marketing and use restrictions for chemicals amended - 10-Nov-06 [13778]
- Transport of dangerous goods by rail (RID) 2007 published - 15-Nov-06 [13860]
- Val-I-Pac accreditation extended until 2011 - [13993]
- Brussels Region: Approved Inter-Regional Agreement on the control of major-accident hazards involving dangerous chemicals - 8-Feb-07 [14186]
- Flemish Region: 16019 companies selected to report on waste in 2007 - [13995]
- Flemish Region: Adopted Decision on Cooling and Heating Installations with a view to reducing GHG emissions - 14-Feb-07 [13657]
- Flemish Region: Adopted Decision on Support for Ecological Investments - 2-Mar-07 [14097]
- Flemish Region: Adopted Decree on environmental aspects of 2007 budget - 22-Dec-06 [14001]
- Flemish Region: Approved Decision on implementation of flexibility mechanisms under the Kyoto Protocol - 23-Feb-07 [13474]
- Flemish Region: Approved Inter-regional Agreement on the control of major-accident hazards involving dangerous substances. - 1-Dec-06 [14018]
- Flemish Region: Approved revision of legionella legislation - 9-Feb-07 [14148]
- Flemish Region: Decision amends industrial classification and requirements on emissions reporting - 8-Dec-06 [13476]
- Flemish Region: Issued advice on proposed Decree on various issues relating to the living environment, energy and public works - 25-Jan-07 [14094]
- Wallonia: Order establishing the full set of conditions applying to temporary hazardous waste storage adopted - 23-Nov-06 [11948]
- Wallonia: Order laying down the sectoral conditions relating to temporary storage installations for hazardous waste adopted - 23-Nov-06 [11951]
- Wallonia: Order on environmental permit amended - 8-Feb-07 [14163]
- Wallonia: Order on requirements applying to transformers with a nominal power between 100 kVA and 1 500 kVA - 21-Dec-06 [12665]

Germany

- First Ordinance to Amend the Ordinance on Emission Values (22. BImSchV) adopted - 27-Feb-07 [12328]
- NRW: New structure of EHS authorities - 12-Dec-06 [13807]
- Ordinance on the protection of workers from noise and vibrations adopted - 6-Mar-07 [10544]
- Requirements on Emission Declarations and Emission Reports (11. BImSchV) amended - 21-Dec-06 [13701]

Italy

- Adopted Community Law for the year 2006 - 6-Feb-07 [14177]
- Adopted Decree delaying the entry into force of several existing deadlines on EHS matters - 26-Feb-07 [14178]
- Decree promoting cogeneration adopted - 8-Feb-07 [14195]

Portugal

- Amended Decree Law to restrict marketing and use of toluene, phthalates and other substances - 18-Jan-07 [13811]
- Decree Law on environmental noise adopted - 17-Jan-07 [13810]
- Decree Law on the control of high-activity sealed radioactive sources and orphan sources - 19-Feb-07 [14016]
- Ordinance on a licensing model for waste management operations adopted - 9-Jan-07 [13813]
- Ordinance on internal rules for waste management monitoring commission adopted - 8-Jan-07 [13812]

Norway

- New requirements on energy efficiency of buildings adopted - 26-Jan-07 [12154]
- NOx-fee on energy production - 29-Jan-07 [13787]
- Regulations on Safety at Electrical Installations entered into force - 28-Apr-06 [13783]

Luxembourg

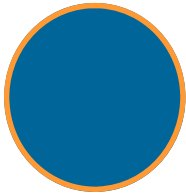
- ADR 2007 published - 24-Nov-06 [13897]
- Law on prevention and management of waste amended - 1-Dec-06 [13867]
- Law on reduction of CO2 emission adopted - 22-Dec-06 [13892]

(continued on page 8)

Before you buy... due diligence

How can you be sure that you not only avoid unforeseen environmental liabilities with your new acquisition, but that your new business is a sound and sustainable investment in terms of all EHS issues?

Enhesa calls on a wide variety of legal and regulatory expertise to facilitate the full range of on-site and desk studies necessary to identify potential environmental liabilities associated with acquisition, leasing and/or divestiture of properties. Contact us for more information at info@enhesa.com.



On 30 April 2007 the **Directive 2004/35/EC** on liability for environmental damage fully takes effect. If you have an underground storage tank that is still leaking on 30 April 2007 your company could face serious financial liabilities, no matter which Member State you are in. Whereas many EU Member States already had some form of liability for environmental damage, many of them had to introduce a wholly new set of rules. The fact that the facility was operating in compliance with all environmental requirements will often not provide protection against being held liable for the environmental damage.

Western Europe

Ireland

- Adopted amendments relating to the plastic bag levy - 19-Feb-07 [14126]
- Adopted the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) (Amendment) Regulations 2007 - 26-Feb-07 [14134]

The Netherlands

- Adopted amendments to Working Time Decision in relation to mobile workers - 11-Jan-07 [13922]
- Adopted the Indicative Rule Random Writing-Off Environmental Investments 2007 - 21-Feb-07 [10708]
- Amended implementation rules on environmental reporting - 12-Jan-07 [13919]

Spain

- Air quality control and atmosphere protection law proposed - 2-Feb-07 [13878]
- Amendment to Royal Decree 255/2003 approving the Regulation on classification, packaging and labeling of dangerous chemical preparations adopted - 2-Feb-07 [14173]
- International transport of dangerous goods by rail further regulated - 1-Feb-07 [2399]
- Royal Decree on building's energy efficiency certificate adopted - 19-Jan-07 [13851]
- Second National Allocation Plan of Greenhouse Gas Emissions for 2008-2012 approved - 24-Nov-06 [12283]

European Union Strategy 2007-2012 on Health and Safety at Work released

On 21 February 2007 the European Commission published the Community Strategy 2007-2012 on Health and Safety at Work. The Strategy builds on the previous Community Strategy 2002-2006 which introduced an innovative approach to wellbeing at work taking into account of the changes in the workplace and the emergence of new risks. The Community Strategy 2007-2012 has the objective to reduce by 25% the total incidence rate of accidents at work per 100.000 workers in the European Union of 27 Member States.

In order to achieve the objective under the Community Strategy 2007-2012, the Commission will focus attention on proper implementation of EU legislation, adapt the legal framework to changes in the workplace and simplify it, promote the development and implementation of national strategies, encourage changes in the behaviour of workers and encourage their employers to adopt health-focused approaches, and finalize the methods for identifying and evaluating new potential risks.

The Commission aims to draw up practical guides on the correct application of Directives 92/57/EEC (temporary or mobile construction sites), 2004/40/EC (electromagnetic fields) and 2006/25/EC (optical radiation). The Commission is also concerned about situations when health and safety legislation is applied to subcontracting because most employers tend to limit preventive measures to their own workers.

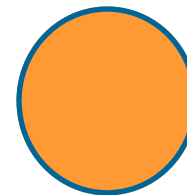
Cooperation between the labor inspectorates, market surveillance and environmental inspectorates will be reinforced with respect to the implementation of the REACH Regulation. The inspectorates will carry out checks which result in the imposition of dissuasive and proportionate penalties and prosecution for failure to abide by health and safety rules. The Commission will take initiatives with regard to musculo-skeletal disorders, carcinogens and needlestick infections. It will also publish the third list of indicative values for chemical agents.

The situation of groups which are especially vulnerable to accidents at workplaces will be the focus of special efforts. The European Agency for Health and Safety at Work will prepare a report examining the specific challenges posed by the more extensive integration of women, immigrant workers and younger and older workers into the labour market. The Agency will also identify new risks associated with new technologies, biological hazards, complex human-machine interfaces and the impact of demographic trends.

If you need further guidance and analysis on how this strategy will impact you in the coming years and how your operations will be impacted, Enhesa can help you assess the situation and take the appropriate measures to anticipate on these pending regulatory changes as need be.

- *Thierry Dumortier, Enhesa Director*

EU steps up environmental law enforcement



(continued from page 1)

- unlawful operation of a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used,
- unlawful significant deterioration of a protected habitat,
- unlawful trade in ozone-depleting substances.

In practice this means that most if not all industrial operations will be covered by these provisions. Even when only selling products on the European market, one could get caught up by these provisions. Selling a vehicle or a computer with a cooling unit that contains ozone depleting substances in excess of the limits imposed would put the company at risk.

Very few countries in Europe have financial penalties for environmental violations that are worth mentioning (except the United Kingdom). The proposed Directive would change this by requiring the Member States to ensure that such offences are punishable by effective, proportionate and dissuasive sanctions including deprivation of liberty, fines, exclusion from entitlement to public benefits, temporary or permanent disqualification from the practice of commercial activities, etc. The proposed Directive calls upon the Member States to ensure that the commission of serious environmental crimes is punished by a maximum of at least ten years imprisonment and fines for companies of at least EUR 750.000 to EUR 1.500.000.

In addition, the Member States shall ensure that legal persons can be held liable for environmental crimes where such crimes have been committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on a power of representation of the legal person, or an authority to take decisions on behalf of the legal person, or an authority to exercise control within the legal person.

One will not need to prove that a Director or Manager intentionally ordered the crime. The proposed Directive foresees that a legal person can be held liable when the lack of supervision or control, has made possible the commission of a listed offence for the benefit of that legal person by a person under its authority.

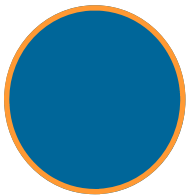
The gap that used to exist between Europe and the United States in terms of enforcement of environmental law is slowly but surely closing. Many companies in Europe have become aware of environmental law the hard way, when they learned they could not expand their operation or renew their operating license due to failure to comply with some environmental requirements. This hidden form of enforcement is now being strengthened by criminal sanctions that target the company as well as its directors and managers.

It is worthwhile noting that this increased enforcement is also something that is being called for by many large European companies that have taken up on the environmental challenge, and do not want to face unfair competition from companies that failed to make the necessary investments to comply. It is not surprising to notice that many companies in Europe are reassessing the way in which they manage environmental compliance and the systems in place to ensure compliance. With over 15 years of experience in assisting multinational companies to ensure ongoing environmental compliance, Enhesa has been developing a set of unique tools and systems that can assist companies in assessing their level of compliance and the business risks that this may entail. Once the compliance gap analysis has been determined, Enhesa can assist companies to put in place the proper programs and system tools to ensure ongoing compliance.

- *Thierry Dumortier, Enhesa Director*

Find the right tools and support for your compliance needs worldwide

- *Enhesa's **Regulatory Register** identifies and provides access to the relevant and applicable legislative requirements.*
- *The **Monitoring Reports** help you to anticipate and manage regulatory change.*
- ***Audit Protocols and ScoreCards** measure your performance in terms of compliance assurance.*
- ***Chemical Tracking Service** to make sure you are kept way ahead of developments in chemical restrictions. This service offers you with a multi-lingual search function to be able to research individual chemicals.*



North America

Over 70 EHS Audit Protocols available

Enhesa currently has EHS audit protocols for over 70 countries and regions, specifically designed to help you assess compliance at a range of facilities worldwide.

Since the issue of the Enhesa Flash in February 2007, Enhesa has developed or updated comprehensive EHS Audit Protocols for the following countries:

- Belgium - Wallonia
- China National
- China Shanghai
- France
- Germany
- India
- Portugal

To find out about purchasing any of these, or having a tailor-made audit protocol drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at info@enhesa.com.

Audit Protocols are complemented by ScoreCards, which offer an easy-to-use tool for assessing compliance.

Canada

- Adopted changes to substances on the Domestic Substances List - 21-Feb-07 [14127]
- Adopted revisions to Non-Domestic Substances List - 6-Jan-07 [13967]
- Adoption of Significant New Activity Notice for certain uses of Benzoic acid - 6-Jan-07 [13969]
- British Columbia: Adopted amendments to Drinking Water Protection Act - 13-Feb-07 [14201]
- Mandatory information submittal regarding proposed measures to address risks from certain substances - 3-Feb-07 [14175]
- Ontario: Adopted amendments to noise-level requirements - 15-Dec-06 [10560]
- Ontario: Adopted development permit requirements - 13-Jan-07 [13927]
- Quebec: Construction Code Amended - 21-Feb-07 [14172]
- Quebec: Order on fees for environmental permit application - 12-Dec-06 [13913]
- Massachusetts: Adopted amendments to wastewater discharge requirements - 19-Jan-06 [13086]
- Massachusetts: Adopted regulations revising water quality standards - 29-Dec-06 [13884]
- New Jersey: Adopted amendments to Building, Plumbing, Fire Protection, Energy, Mechanical, and Fuel Gas Subcodes - 20-Feb-07 [13042]
- New Jersey: Adopted amendments to fire code regarding use of smoke detectors and ladders in certain settings - 20-Feb-07 [13047]
- New Jersey: Adopted revised general air permit for emergency generators - 5-Feb-07 [14125]
- New York: Emergency rule adopted on VOC emissions from architectural and industrial maintenance coatings - 7-Feb-07 [14084]
- South California: Final Hazardous Waste Rule amendments - 23-Feb-07 [13510]
- Texas: Amends Air Rule to allow early construction - 21-Feb-07 [12677]

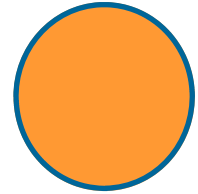
United States

- Adopted drinking water unregulated contaminant monitoring regulation - 4-Jan-07 [13776]
- Adopted exclusion of HFE-7300 from the definition of VOC - 18-Jan-07 [13782]
- Adopted revision to electrical installation safety standard - 14-Feb-07 [6865]
- Adopted rule on National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources - 23-Jan-07 [13011]
- Adopted rule on Transportation Worker Identification Credential implementation in the maritime sector - 25-Jan-07 [11798]
- Exception of certain food packaging from the definition of "pesticide chemical" withdrawn - 2-Feb-07 [13602]
- California: E-Waste Regulations adopted under Electronic Waste Recycling Act of 2003 - [14024]
- Illinois: Adopted amendments to conform with federal hazardous waste rules - 12-Jan-07 [13796]
- Indiana: Adopted exemptions to boiler and pressure vessel rules - 17-Jan-07 [13816]
- Indiana: Emergency rule to redesignate Allen County as in attainment with ozone standards - 31-Jan-07 [13815]
- Texas: Revised EMS requirements to encourage more participation in Clean Texas Program - 24-Jan-07 [13905]
- Virginia: Adds waste load allocations to Total Maximum Daily Loads (TMDLs) for Shenandoah and Roanoke River Basins - 19-Feb-07 [14146]
- Virginia: Enacted legislation regarding opacity standards - 9-Mar-07 [13856]
- Virginia: Increased water pollution penalties - 19-Feb-07 [13848]
- Virginia: Legislature passes bills to replace the current Air, Water and Waste Board with a single Virginia Board of Environmental Quality - 6-Feb-07 [14144]

Mexico

- Conformity Evaluation Procedure to NOM-026-STPS-1998 on health and safety signs of fluid distribution pipelines - 17-Jan-07 [13899]
- Mexican Official Standard on environmental protection during oil exploration activities adopted - 31-Jan-07 [12598]
- Standard on soil contamination and remediation criteria adopted - 2-Mar-07 [14055]

Central and South America



Argentina

- Buenos Aires: Law on hazardous waste adopted - 7-Dec-06 [13904]

Bolivia

- No new legal developments were identified during this period.

Brazil

- CONAMA Resolution on air emission limits from fixed sources adopted - 26-Dec-06 [6396]
- CONAMA Resolution on environmental audits in the petroleum industry amended - 14-Dec-06 [13680]
- CONAMA Resolution on waste incineration amended - 27-Dec-06 [14035]
- Legislation on conformity assessment of packaging for road transport of dangerous goods adopted - 11-Dec-06 [14015]
- Used oil monitoring Commission established - 23-Feb-07 [14069]
- Regulatory Norm 33 (NR-33) on confined spaces adopted - 22-Dec-06 [5564]
- São Paulo: Law on physical-chemical analysis of mineral and table water - 2-Jan-07 [14071]
- São Paulo: Law on vehicles dismantling - 2-Jan-07 [14075]
- São Paulo: system for rainwater collection and drainage approved - 2-Jan-07 [14074]

Jamaica

- No new legal developments were identified during this period.

Venezuela

- National Water Act adopted - 2-Jan-07 [4879]
- Organic Law on Prevention and Working Conditions and Environment regulated - 3-Jan-07 [13751]

Panama

- No new legal developments were identified during this period.

Colombia

- No new legal developments were identified during this period.

Costa Rica

- Regulation to grant an ecological certificate adopted - 13-Feb-07 [14142]

Dominican Republic

- No new legal developments were identified during this period.

Ecuador

- No new legal developments were identified during this period.

Peru

- No new legal developments were identified during this period.

Uruguay

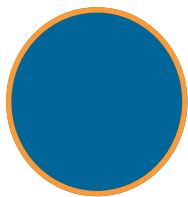
- No new legal developments were identified during this period.

EHS Regulatory Registers are an essential tool for ISO 14001 and OHSAS 18001. This new service is available from Enhesa for facilities in more than 20 countries.

Contact us for further information at info@enhesa.com.

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in January and February 2007. For more details, you could consult the **Enhesa Update** which provides you with a one paragraph abstract for each development impacting industry in general and the possibility to obtain further relevant details. The Enhesa Update is available for 1000 EUR per year.
- If you want to ensure that you get all the information you need, the **Enhesa regulatory monitoring service** could be the perfect solution for you. This service provides you with a summary of all relevant and applicable regulatory EHS developments (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the countries you specify.
- For each development, a tailored business impact analysis is made for your company's operations. In most cases, a link to the full text of the Regulation is provided, either on the Internet or in the Enhesa Knowledgebase of more than 20,000 texts.
- The report is accompanied by a compliance calendar, a list of legislation with hyperlinks to the full text and an overview of interesting websites. These reports are delivered through a dedicated website tailored to your needs and connected to your Intranet.
- Contact us at info@enhesa.com to visit our demo site.

Do you want to be fully informed on changing EHS Regulations and how they impact your business?



Enhesa Chemical Tracking Service

There are more than 1000 chemicals for which the regulatory restrictions have been modified in the first three months of 2007. Some chemicals have been banned from use in certain applications. Others are now subject to more stringent occupational exposure levels or emission limits. There are more than 2000 chemicals for which the regulatory restrictions are likely to change in 2007. Do you know which chemicals are concerned and whether this will impact you? Will you still be able to produce, distribute and use the chemicals as you do today?

Chemicals are subject to an increasing number of regulatory controls. The EU Chemicals Regulation EC/1907/2006 on Registration, Evaluation and Authorisation of Chemicals (REACH) will enter into force on 1 June 2007 triggering a massive stream of new chemical toxicity data. This will in turn trigger new restrictions being imposed on chemicals. Keeping track of and being able to anticipate these regulatory changes as they arise in a multitude of countries around the globe can be a decisive business factor. **The unique Enhesa chemical tracking system, developed in 2004, allows the identification of pending and future chemical restrictions around the globe.** Unlike other chemical service providers that inform you 3 to 6 months after a chemical restriction was modified, Enhesa informs you as soon as a government

agency starts looking at a chemical or proposes a change to an existing restriction. Based on the Enhesa regulatory knowledgebase and a unique collection of millions of chemical names in more than 20 different languages, Enhesa is able to track and trace the chemical substances subject to pending regulatory change as they occur in China, Australia, Japan, Germany, France, Canada, Sweden, etc. and to provide you with an English summary and analysis of the regulatory development. Fact Sheets can be developed for the chemicals of particular concern, summarizing the current state of regulatory restrictions around the globe and identifying where changes occur.

The Enhesa Chemical Tracking Service can keep you updated on changes in chemical regulations as well as changes in EHS regulations as they relate to chemical substances. The product designers and your R&D departments can get to know at a finger click whether there is any pending or future restriction on a chemical they are about to use in a new product specification. The service can focus on the chemicals you use in your products as well as the chemicals you use in your production process.

For further information on the chemical tracking service and how it can be set up to help you, contact info@enhesa.com.

Upcoming Events and Presentations

Master Class: Chemical regulations – Implications for business, Singapore, 23 May 2007

In the frame of the Chemical Leaders Summit 2007, Enhesa Director Paul Beatley will also lead a Master Class on Wednesday 23 May 2007.

In an increasingly regulated business environment, ensuring regulatory compliance has become a key factor of business success for chemical companies. Chemical regulations are undergoing fundamental changes as a result of the Globally Harmonised System and the European Union REACH Regulation. Booming production and increasing trade globalisation makes this even more complex for businesses in Asia. This Master class will provide you with the practical knowledge on how to deal with current, pending and future chemical regulations around the globe. The class will discuss the crucial issues in understanding how chemicals are being regulated today in terms of production and marketing, and what type of systems and tools are needed to manage this successfully.

Key topics:

- What is the impact of chemical regulations for businesses today? How will the Globally Harmonised System change the way in which chemicals are regulated?
- What is the business impact of the European Union REACH Regulation for chemical companies in Asia?

Upcoming Events and Presentations

ChemCon Asia 2007, Singapore – 24-27 April 2007

More than 200 experts are expected to join in for this 2007 event representing companies, authorities and international organizations from over 25 countries. In the conference sessions aspects of international chemical control around the globe will be discussed regarding current and emerging legislation, reporting and testing of new chemicals, chemical inventories, evaluation of existing chemicals, classification and labeling, risk management, hazard communication and product registration. About 45 to 50 countries from Europe, Asia and the Americas will be spotlighted in detail and a lot of horizontal topics with a global or regional relevance will be covered.



Enhesa will be participating and exhibiting at the event. Further info on www.chemcon.net

CHWMEG 2007 Annual Meeting, Reno, NV, USA 24-26 April 2007



Are you confused by different and seemingly contradictory legal obligations regarding the management of your company's wastes in Europe and Asia? Do you know how to wind your way through the confusion of laws, regulations and practical considerations of disposing of your waste in China? If not, then join Enhesa consultants Paul Beatley, Ellen Zhang and DaeYoung Park at the **CHWMEG's 2007 Annual Meeting**, where your peers will be discussing these and other topical issues related to end-of-life recovery and recycling in Europe and the Americas, transboundary waste shipments in Asia-Pacific, as well as management and disposal of wastes in India and China. On 24 April, Enhesa consultants Ellen Zhang and DaeYoung Park will lead a half-day seminar featuring an **Overview of Emerging Waste Management Requirements and Potential Impacts on Manufacturer Liability in China**, which will be followed by a facilitated discussion on practical experiences with the waste management challenge in China involving all attendees and the Enhesa regulatory specialists. The following day, Enhesa Director Paul Beatley will present **The "Real" E-Scrap Story in Europe: the status of WEEE Directive Implementation - Practical Developments Affecting Manufacturers** (OEMs, corporate electronic goods users, and others)".

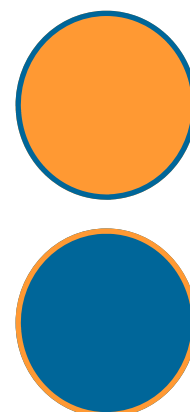
Further information and registration forms for this event are available from http://www.chwmeg.org/files_of_interest/CHWMEG_2007_ann_mtg_AND_asia-pacific_seminar.pdf

Global Chemical Leaders Summit 2007, Singapore, 24-25 May 2007

Can you competently navigate volatile markets, technological changes, achieve a lean and efficient supply chain and strategically confront global chemical opportunities, challenges and regulatory, safety, health and environmental pressures? This is the subject for the **Global Chemical Leaders Summit 2007** which brings together for the fourth time chemical executives across the entire value chain from Asia, Middle East and globally. Enhesa Director Paul Beatley will make a presentation during the session on the impact of chemical regulations on industry. The presentation will provide an evaluation of the impact of REACH on the chemical industry globally and in Asia. Understanding REACH and what it means for your operations. What are the key compliance issues and requirements? What are the impacts on your operations outside of Europe?

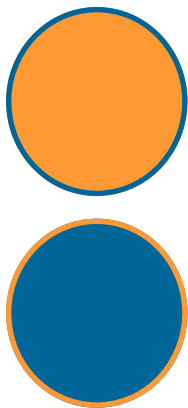
The Global Chemical Leaders Summit also features 10 leading chemical companies: Aditya Birla Group, Bayer Material Science, BASF Petronas, DuPont, Shell Eastern Petroleum, Reliance Industries, Eastman Chemical Asia Pacific, Ineos, Jotun AS, SI Group, and provides country assessments for China, India and Singapore.

Further information on this event is available from <http://www.terrapinn.com/2007/chemasia/>



European Auditing Roundtable Meeting, Barcelona (Spain) – 2-3 May 2007

This meeting will address Increasing Requirements, Global Competitiveness and How Enhancing Management Systems Reduces the Need for Resources. Enhesa will be represented by Director Fabio Cherubini. Further information are available on the Auditing Roundtable site: <http://www.auditing-roundtable.org>.



Upcoming Events and Presentations

Auditing Roundtable Spring Meeting & Technology Exposition, Orlando, FL



(United States) – 10-12 April 2007

This year's Spring Meeting will feature sessions focusing on Harmonizing Internal and EHS Auditing, BEAC EHS Auditing Standards, ANSI-Z10 Occupational Health and Management Systems Standard, Environmental Justice, etc. Enhesa consultant Clay Clarke will participate in a panel focused on **Climate Change and Greenhouse Gas Emissions**, will present on initiatives of certain Northeast US States (RGGI) to implement mandatory emissions reductions and emissions trading, and will compare these initiatives to those already in place in the European Union, along with possible avenues to link European and American programs. Also featured on this panel will be Gary Lucks of Beyond Compliance and John Cusack of Gifford Park Associates discussing California's new regulation on carbon emissions and one company's challenges for data collection and verification. Enhesa Director Paul Beatley will participate in a panel focused on chemical safety, and will deliver a presentation on **the New International Hazard Communication Standard: the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)**, with particular emphasis on what EHS auditors need to know concerning emerging requirements for the transportation, storage, handling and use of chemicals in the workplace. Enhesa will also be exhibiting at this Meeting, focusing on three broad areas of ENHESA's expertise:

1. International EHS Regulatory Risk Management and Compliance Assurance
2. EHS Policy/Legislative Monitoring and Issues Tracking and Management
3. Strategic EHS Management and Consulting Support

Please be sure to stop by our booth! Further information and registration materials for this Meeting are available at [http://www.auditing-roundtable.org/fw/main/Orlando_2007-1.html?dKey=mk\\$cmisc&CntID=145&LayoutID=2](http://www.auditing-roundtable.org/fw/main/Orlando_2007-1.html?dKey=mk$cmisc&CntID=145&LayoutID=2)

Enhesa — Global EHS Compliance Assurance Support to Industry

Enhesa is an environmental, health and safety policy and strategy consultancy. Enhesa is based in Brussels, with regional managers in Washington and Florence, and a network of consultants covering almost any corner of the globe. Our mission is to inform and advise our clients on how to deal with rapidly evolving regulatory and policy developments in the fields of environmental protection and occupational health and safety (EH&S).

<http://www.enhesa.com>

Enhesa services include:

- **Enhesa Flash:** 12-14 pages with titles of new regs - free - every two months
- **Enhesa Update:** 50-100 pages with titles and abstracts of new and proposed regulations - 1000 EUR/year - every month.
- **Enhesa monitoring reports:** tailored to your unique business needs, with detailed analyses of how new and proposed regulations will affect your specific operations in whichever country you operate in. Every month you will receive a tailored analysis of each development and a breakdown of what you will need to do to stay in compliance. Pricing starts around EUR 2,500 per country per year.
- **Country Profiles, Audit Protocols, Scorecards, Regulatory Registers, Training Manuals, etc.**
- Go to http://www.enhesa.com/EN_version/services.htm for more info or contact us at info@enhesa.com to try our demo site.

The **Enhesa Flash** is distributed free of charge. For subscriptions, please go to <http://www.enhesa.com/enhesa/EN/service/flash.asp>

- Washington: Paul Cullen Beatley, Enhesa President
4320 Clearbrook Lane, Kensington, Maryland 20895, USA
Tel/Fax: +1-301-530.13.92
- Brussels: Thierry Dumortier, Enhesa Director
13-15 rue du Mail, B-1050 Brussels, Belgium
Tel: +32-2-775.97.97, Fax: +32-2-775.97.99

© Enhesa 2007

