

# Enhesa flash

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in French

No. 44 Oct 2008

Brussels • Washington

addressing some of the  
latest EHS regulatory  
developments

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 [info@enhesa.com](mailto:info@enhesa.com).

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## Are You Ready for REACH?

Pre-registration of chemical substances manufactured in or imported to the European Union under the new REACH Regulation began on 1 June 2008 and will terminate on 1 December 2008. For the vast majority of companies selling products in Europe, the new chemical regulatory regime will entail few, if any, direct regulatory obligations. Most companies doing business in Europe will be content to leave these bothersome details to the chemical companies and get on with their own business. But is that really all there is to it? The fact is, virtually every sector of the economy is affected by this legislation and virtually every company doing business in Europe (and arguably, many, if not most, doing business anywhere else in the world) are already being impacted, either directly as a result of specific legal obligations, or indirectly as a result of commercial realities. Unfortunately, nearly 40% of companies appear not to be, or to hardly be, aware of REACH.

ENHESA has developed a simple approach to helping such companies assess their exposure to this legislation and can help to develop appropriate strategies for ensuring compliance and ensuring the commercial viability of products affected by the new requirements.

### REACH – in a nutshell

For those (amazingly) as yet uninitiated, Regulation EC/1907/2006, which entered into force on 1 June 2007, outlines the obligations concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH Regulation) in the 27-member European Union (as well as certain other non-member European countries). Full implementation of its myriad provisions will be staged over the next ten years (till 2018).

Although the Regulation can only be legally enforced within the EU, in reality REACH's

*(Continued on page 12)*

**Join ENHESA at NAEM's 16th Annual EHS Management Forum in Memphis, TN on October 22-24, 2008** (see back page for more information)

## The Newest EU Member State is... New Jersey?

Perhaps it came as no huge surprise when California adopted the EU's Directive 2002/95/EC on Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) applicable to video display devices because California is typically on the leading edge of adopting innovative environmental requirements. But now that the past year has seen California expanding the list products subject to RoHS restrictions and New Jersey incorporating the EU RoHS Directive into its laws, it is clear that a novel trend is developing. Interestingly the U.S. states are not adopting RoHS-like requirements, in the same manner as they have been furiously developing WEEE-like programs (Waste Electric and

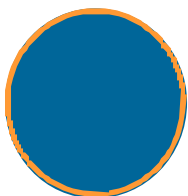
Electronic Equipment). Instead both California and New Jersey have adopted RoHS *itself*. This trend will pose a considerable challenge to electronics companies as they will have to keep track of the ever-changing landscape of which states have and have not adopted RoHS. This will be further complicated as states apply the restrictions to different products. In California RoHS restrictions are currently being applied to video display devices and will apply lighting equipment in the near future, whereas in New Jersey they will apply to computers, monitors and televisions.

*Jack Welsch,  
Enhesa Senior Consultant*

This is the abstract of an article that was presented at the Electronics Goes Green Conference in Berlin, Sep 2008. You can download the full article from the [Enhesa website](http://www.enhesa.com).

The Enhesa Flash is distributed free of charge by Enhesa.  
Visit our website [www.enhesa.com](http://www.enhesa.com) for more information about our regulatory compliance services.

During July and August 2008 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.



For more details on any of these developments, you can subscribe to the **Enhesa Update** (7,400 EUR/year for a corporate subscription) or register to receive **detailed monitoring reports**. For further information visit <http://www.enhesa.com/enhesa/EN/service/monitoring.asp> or send us an email at [update@enhesa.com](mailto:update@enhesa.com).

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 100 countries and regions.

## Asia Pacific

### Australia

- NSW: Minor amendments to the Occupational Health and Safety Amendment (Major Hazard Facilities) Regulation 2008 29-Aug-2008 [13316]
- NSW: Environmentally Hazardous Chemicals Regulation 2008 enters into force 22-Aug-2008 [26497]
- NSW: Road Transport Legislation Amendment Act 2008 assented to 01-Jul-2008 [26695]
- NSW: Water Industry (General) Regulation 2008 commences 08-Aug-2008 [27080]
- VICTORIA: Industrial Waste Management Policy varied to require approval for the movement of non-liquid prescribed industrial waste out of Victoria. 23-Jul-2008 [26886]
- SA: SafeWork to Review First Aid Provisions of the Occupational Health, Safety and Welfare Regulations 1995 01-Jul-2008 [26965]
- QLD: Public health regulations on water quality standards for drinking water adopted. 04-Jul-2008 [26925]
- QLD: Transport Operations (Marine Pollution) Regulation 2008 published to implement international codes 08-Aug-2008 [27006]

### China

- Cosmetic products packages with old labels allowed until October 2009 04-Aug-2008 [27084]
- Circular economy promotion law adopted 29-Aug-2008 [27101]
- Hydroxylamine regulated as drug precursor chemical 08-Jul-2008 [27170]
- SHANGHAI: Restriction on production, sales and transport of hazardous materials apply during the Olympics 19-Jul-2008 [26860]

### Hong Kong

- Emission caps for SO<sub>2</sub>, NO<sub>x</sub> and respirable suspended particulates from power plants tightened 18-Jul-2008 [16786]
- Product eco-responsibility schemes introduced 18-Jul-2008 [16697]

### Indonesia

- Government to shift working hours to Saturdays and Sundays to optimise electricity supply 14-Jul-2008 [26969]

- National Climate Change Council is formed 04-Jul-2008 [27140]

### Japan

- 109 public bodies requiring climate-change friendly government procurement determined 25-Jul-2008 [27263]

### Korea, South

- 13 carcinogens subject to permissible exposure limits 21-Aug-2008 [14661]
- 2012 long-term obligatory recycling rate for products and packages issued 29-Aug-2008 [27109]
- 13 carcinogens subject to permissible exposure limits 21-Aug-2008 [27255]
- 3 more toxicity studies required for new chemicals 02-Jul-2008 [17009]
- GHS Regulation detailed 08-Jul-2008 [26254]
- ALLBARO system available for electronic waste manifest 21-Aug-2008 [27146]
- RFID System operational to track medical waste 07-Aug-2008 [27143]
- Waste requiring export/import notification determined 25-Jul-2008 [26896]
- Waste minimization required for heavy waste generators 29-Jul-2008 [26899]
- Waste requiring electronic waste manifest determined 04-Aug-2008 [26916]

### Malaysia

- Poisons Act amended to introduce restrictions on a number of substances 21-Aug-2008 [27218]

### New Zealand

- Customs Export Prohibition Order 2008 remade 04-Aug-2008 [27087]
- Regulatory Group Standard for Cosmetics amended 24-Jul-2008 [26869]
- Wood preservation chemical PCP approval revoked 17-Jul-2008 [27092]

### Singapore

- Sanitary Appliances and Water Charges Regulations amended 09-Aug-2008 [2813]
- Workplace Safety and Health Committees Regulations issued 11-Jul-2008 [26934]

### Taiwan

- Favoured rate of air pollution control fee of NO<sub>x</sub> from stationary pollution sources adopted 05-Aug-2008 [15239]

# Africa and the Middle East

## Egypt

- Decree No. 682 of 2008 on Determinations of the Industries to Which Applies the Code of Industry Issued 17-Aug-2008 [27078]

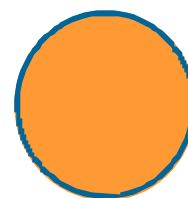
## Morocco

- Decree establishing the waste classification and determining the list of hazardous waste 18-Jul-2008 [27103]

- Decree relating to the establishment and opening of pharmaceutical establishments adopted 09-Jul-2008 [27233]
- Order establishing the technical standards for pharmaceutical establishments adopted 21-Jul-2008 [27235]

## South Africa

- National Regulator for Compulsory



## Beyond RoHS

moves toward prohibition of a wider band of substances in a larger pool of consumer products

While Europe's Directives on Waste Electric and Electronic Equipment (WEEE) and Restriction on Use of Certain Hazardous Substances (RoHS) are being picked up by other countries around the world, in Europe itself, moves are afoot to dramatically expand the list of banned substances and to apply such bans to a broader range of products.

In the front line is Norway, where the Prohibition on Certain Hazardous Substances in Consumer Products (PoHS) regulation is likely to come into force in 2008. This is a very different approach from that of the European Union's Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS), since PoHS would ban more than 18 substances. Only two, lead and cadmium, are mentioned in the European Directive, while in addition, Norway would also ban arsenic, TBBPA, HBCDD (brominated flame retardants), chlorinated paraffins, TBT, TPT, synthetic musk, PFOA, DTDMAC, DODMAC, DSDMAC, DHTDMAC, bisphenol A, DEHP, pentachlorophenol and triclosan.

The scope of PoHS is also much broader than RoHS and would apply not only to

electrical and electronic equipment, but also nearly all goods defined as "consumer", with a few exceptions. The maximum admissible concentration values are also more stringent than RoHS.

The aim of the proposed regulatory amendment is to more drastically limit the hazardous effects on human health and the environment caused by hazardous substances in consumer products, and to limit the contents of pollutants in waste. Although its adoption has been temporarily delayed, it is nonetheless probable that the measure will be approved before end of 2008, and the ramifications will certainly extend well beyond the frontiers of Norway and may quickly impact policy in other European countries as well as the rest of the world.

*Mathias Emilsson,  
& Paul Beatley*

This is the abstract of an article that was presented at the Electronics Goes Green Conference in Berlin, Sep 2008. You can download the full article from the [Enhesa website](#). Note that the proposal was revised in July, after the article was written.

## Batteries

Do your products contain batteries?

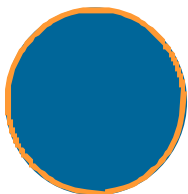
If they do, you should know that new design and take back requirements entered into force in the European Union on 26 Sept 2008. According to the European Commission, only 7 Member States fully transposed the new requirements and notified the Commission of this.

Most Member States have already implemented most of the requirements, leaving companies with a similar situation as regarding packaging or electric products: every Member State created its own solution. Different requirements, different thresholds, different systems, different risks.

Enhesa can help you determine what you need to do in which country, how and by when.

Contact us for further info: [info@enhesa.com](mailto:info@enhesa.com)





## European Union

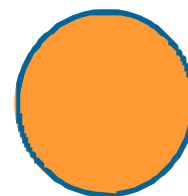
- Batteries Directive clarified with regard to batteries lawfully put on the market before 26 September 2008 09-Jul-2008 [26551]
- Decision amending heavy metal restrictions in vehicles adopted 01-Aug-2008 [27167]
- Package of measures to boost intra-community trade in safe industrial goods adopted 13-Aug-2008 [14060]
- Regulation concerning the export and import of dangerous chemicals published 31-Jul-2008 [15514]
- Regulation concerning the export for recovery of certain waste to certain countries to which the OECD Decision does not apply amended 29-Jul-2008 [26871]
- Regulation providing instructions for completing the notification and movement documents of Regulation 1013/2006 on shipments of waste 15-Jul-2008 [27185]
- Regulation for the procedure of the Board of Appeal of the European Chemicals Agency adopted 02-Aug-2008 [27214]
- Three applications of Formaldehyde to be banned from the market 20-Aug-2008 [27261]

### Enhesa Services

- **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 - 7,400 EUR/year for a corporate subscription - 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 from EUR 2,500 per country per year.
- **Country Profiles, Audit Protocols, Scorecards, Regulatory Registers, Training Manuals**, etc.
- Go to <http://www.enhesa.com/enhesa/EN/service/default.asp> for more info or contact [us\\_at\\_info@enhesa.com](mailto:us_at_info@enhesa.com) to try our demo site.

### 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 **Country Profiles** provide you a narrative description and analysis of how main EHS issues are regulated.*
- *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 multilingual search function to be able to research individual chemicals.*



## Latest Enhesa Audit Protocols

We pride ourselves on being able to offer the most up-to-date Audit Protocols worldwide. Since the previous issue of the Enhesa Flash in September 2008, Enhesa has completed the update or development of the following Audit Protocols:

- Austria
- Belgium Flemish Region
- Canada Québec
- China Shandong
- Chile
- Colombia
- Costa Rica
- Greece
- France
- Malaysia
- Pakistan
- Russia Moscow
- Spain
- Switzerland
- Taiwan
- US California
- Venezuela

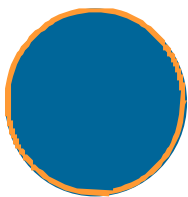
We have also started work on developing or updating the following protocols, which will be available throughout the coming few months and can be purchased from Enhesa as normal.

- Denmark
- Italy
- South Korea
- Norway
- Phillipines
- Poland
- Ukraine

### **Do you have an audit in the pipeline but no audit tool as yet? Looking to share development costs on new protocols?**

We have also received requests for a number of new audit protocols, and are looking for other customers who may also need audit tools in these locations and would be interested in sharing the development cost for these. If you have an interest in protocols for any of these (or other countries/regions), please get in touch with us for more favourable rates on these protocols. They include the following:

- Botswana
- Canada Saskatchewan
- Canada Manitoa
- Canada Nova Scotia
- China Guangzhou (city level)
- China Jiangsu
- Czech Republic
- Fiji
- Georgia
- Ghana
- Guatemala
- India—Maharashtra
- Jordan
- Kazakhstan
- Kenya
- Luxembourg
- Mauritius
- Morocco
- Mozambique
- Northern Ireland
- Oman
- Panama
- Puerto Rico
- Romania
- Saudi Arabia
- Seychelles
- Serbia
- Slovakia
- Tanzania
- Uganda
- UK-Northern Ireland
- Vietnam
- Zimbabwe
- Zambia



## Central and Eastern Europe

### EHS Regulatory Registers

Regulatory Registers are an essential tool for EHS compliance and, especially, for assessing against ISO 14001 and OHSAS 18001. By allowing companies to identify and maintain up-to-date a list of EHS legislation that is applicable to their particular operations, the tool provides a solid basis for a compliance program.

This relatively new service is available from Enhesa for facilities in more than 50 countries and regions. The latest updates include United States-South Carolina, Massachusetts and Ireland. Upcoming updates include **China** and **Indonesia**, both in English and local language.

Contact us for further information at [regregs@enhesa.com](mailto:regregs@enhesa.com).

### Austria

- Act on Ecological Electricity amended 08-Aug-2008 [26996]
- Revised Ordinance on the safety of lifts issued 29-Jul-2008 [17302]
- Revised Machinery Safety Ordinance issued 31-Jul-2008 [26855]

### Bulgaria

- Ordinance on Design, Safe Exploitation and Technical Surveillance of Pressure Vessels adopted 07-Jul-2008 [26970]
- Ordinance on Design, Safe Exploitation and Technical Surveillance of Gas Equipment and Liquefied Carbon Gas Installations amended 07-Jul-2008 [27192]
- Ordinance on Design, Safe Exploitation and Technical Surveillance of Acetylene Installations amended 07-Jul-2008 [27194]

### Estonia

- Act on Environmental Impact Assessment and Environmental Management System Act amended 19-Jul-2008 [26919]
- Accession to the Stockholm Convention on Persistent Organic Pollutants 31-Jul-2008 [27199]
- Complementary list of habitats and species deemed to be habitats and species for the purposes of Environmental Liability Directive 11-Aug-2008 [27200]
- Regulation regarding conditions and procedure for evaluation of environmental protection projects submitted for financing amended 09-Jul-2008 [26921]
- Terms, conditions and recovery targets for collecting, take-back, recovery and disposal of waste batteries adopted 07-Aug-2008 [27210]
- Terms for presenting, using, enlarging, substituting and excluding a financial security to cover for environmental damage liability adopted 17-Jul-2008 [27223]

### Latvia

- Regulations of Cabinet of Ministers on the Issue, Extension of Validity, Revision and Annulment of Waste Management Permits adopted 29-Jul-2008 [26791]
- Regulations Regarding the Prevention, Restriction and Control of Air Polluting Substance Emissions From Stationary Air Pollution Sources amended 11-Aug-

2008 [27225]

- Regulations on protection of workers from the risk arising from the electromagnetic fields amended 04-Aug-2008 [27227]
- Regulations Regarding the Limitation of Emissions of Volatile Organic Compounds From Certain Products amended 25-Aug-2008 [27229]

### Romania

- EMAS procedure modified 01-Aug-2008 [27173]
- Regional state aid for investment in renewable energy adopted 09-Jul-2008 [26491]
- Regulation regarding public aid scheme for regional sustainable development and emissions reduction adopted 02-Jul-2008 [26493]
- Regulation regarding extractive industry waste management adopted 13-Aug-2008 [27171]
- Standards of protection in potentially explosive atmospheres approved 11-Jul-2008 [26962]

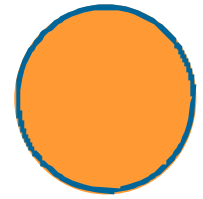
### Slovenia

- Decree on Management of Batteries and Accumulators and Waste Batteries and Accumulators adopted 15-Jul-2008 [26985]
- Decree on Environmental Tax on Carbon Dioxide Emissions amended to include greenhouse gases 17-Jul-2008 [27163]
- Decree on Environmental Tax on the Generation of Waste Electrical and Electronic Equipment amended 17-Jul-2008 [27164]

### Turkey

- Amendment to Notification on the Import of Substances Affecting Health and Safety at Work 2008/13 adds more substances 02-Aug-2008 [8071]
- Amendment to the Regulation on Traffic by Roads published to amend provisions on discarded vehicles 18-Jul-2008 [14765]
- Compulsory Turkish Standard on Thermal Insulation in Buildings TS 825 republished 26-Aug-2008 [27046]
- Circular on air pollution control and prevention 2008/11 sent to the local representations of the Ministry of Environment 27-Aug-2008 [15222]
- New Regulation on waste management published to lay down general provisions on waste covered 05-Jul-2008 [26355]
- Regulation on Environmental Impact

# Western Europe



## Belgium

- Brussels : Ordinance promoting public participation in decision-making processes relating to environmental issues 10-Jul-2008 [27052]
- Flemish Region: Decree to Promote Sustainable Development published 18-Jul-2008 [27219]
- Wallonia: Order on requirements applicable to the storage of combustible liquids in tanks amended 24-Jul-2008 [27236]

## Finland

- Adopted an Act amending the Chemicals Act 18-Jul-2008 [26954]
- Adopted a Decree on the prevention of major accidents caused by hazardous substances 21-Aug-2008 [27269]

## France

- Decree implementing Law on the management of radioactive waste adopted 29-Aug-2008 [27086]
- Law relating to environmental liability and to various provisions of adaptation to Community Law adopted 01-Aug-2008 [15464]
- Order relating to the collection of rainwater and to its use inside and outside buildings adopted 21-Aug-2008 [27095]
- Order approving a Decision from the ASN establishing the technical rules for the disposal of effluents and waste contaminated by radionuclide 23-Jul-2008 [27047]
- Order on periodic compliance audits of facilities using or storing ammonia and subject to prior declaration adopted 17-Jul-2008 [27024]

## Germany

- Amendment to the Ordinance on the Prohibition of Certain Chemicals 25-Jul-2008 [27193]
- Chemicals Climate Protection Ordinance adopted 02-Jul-2008 [26132]
- Technical Rules on Occupational Exposure (TRGS 900 and TRGS 905) amended 23-Jul-2008 [26945]
- Renewable Energies Heat Act adopted 18-Aug-2008 [27004]
- Revised and consolidated version of the Chemicals Act issued 11-Jul-2008 [26762]
- Bay: Immission Control Act amended to include reporting requirements for major combustion plants 29-Jul-2008 [26957]
- Sa: New Ordinance on the Competences

in the Field of Waste Management and Soil Protection published 18-Jul-2008 [27208]

- Sa: Ordinance on the Competences in the Field of Safety at Work published 18-Jul-2008 [27209]
- Bln: Ordinance on Implementation of the Ordinance on Energy Saving published 02-Aug-2008 [27211]
- Nds: Ordinance on Implementation of the Ordinance on Energy Saving published 18-Aug-2008 [27212]

## Hungary

- Decree on the safety requirements for machinery and the declaration of conformity adopted 30-Aug-2008 [17073]
- Decree on take-back of waste batteries and accumulators adopted 08-Jul-2008 [26320]
- Decree on the treatment of batteries and accumulators as well as waste batteries and accumulators adopted 30-Aug-2008 [26392]
- Amendment to the Decree on the safety requirements on lifts adopted 06-Aug-2008 [26731]

## Ireland

- Adopted the Building Regulations (Amendment) Regulations 2008 10-Jul-2008 [10885]
- Adopted the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) (Amendment) Regulations 2007 18-Jul-2008 [14134]
- Adopted the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2008 15-Jul-2008 [26812]
- Adopted the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) (Amendment) Regulations 2008 18-Jul-2008 [26813]
- The Waste Management (Battery and Accumulator) Regulations 2008 adopted 16-Jul-2008 [16532]

## Italy

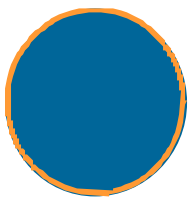
- Adopted Decree transposing the Mining Waste Directive 07-Jul-2008 [26801]
- Decree transposing Directive 2002/91/EC on the energy performance of buildings amended 22-Aug-2008 [14347]
- Delayed the entry into force of the new

*(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](mailto:info@enhesa.com).



### Over 70 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:

- Russia
- Spain

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 [profiles@enhesa.com](mailto:profiles@enhesa.com).

## Western Europe (continued)

(Continued from page 7)

- provisions on risk assessment at the workplace 30-Jul-2008 [26818]
- Transposed Directive on energy end-use efficiency and energy services 03-Jul-2008 [26894]
- Unified labour register created 06-Aug-2008 [27248]

### Lithuania

- Rules for Management of Waste Batteries and Accumulators amended 21-Jul-2008 [26924]
- Plan of measures for the implementation of the State Noise Strategic Cartography Program for 2008-2012 approved 16-Jul-2008 [26928]
- Rules for licensing of hazardous waste treatment amended 08-Jul-2008 [26929]
- Orders for calculation and payment of environmental pollution charges approved 09-Jul-2008 [26930]
- Law on Tax on State Natural Resources amended 01-Jul-2008 [26931]
- Order on Regulation for Development of the Environmental Impact Assessment Program and EIA Report amended 08-Jul-2008 [26932]
- Governmental Resolution on the Enforcement of the Law on Pollution Charges amended 16-Jul-2008 [26933]

### Luxemburg

- New exceptions to restrictions on hazardous substances in electronic and electrical equipment adopted 17-Jul-2008 [26880]
- Safety requirements for pressure appliances and installations subject to Directive 97/23/EC issued 25-Aug-2008 [27166]
- Safety requirements for fixed heat insulated pressure appliances used for the storage of low temperature liquefied gas adopted 25-Aug-2008 [27174]

### Netherlands

- Adopted Decision introducing uniform regulations for building occupancy fire safety 04-Jul-2008 [15448]
- Amended Rules on air quality assessment 17-Jul-2008 [16682]
- Adopted amendment of the Building Decision 2003 would strengthen the energy efficiency requirements for non-residential buildings 15-Jul-2008 [27215]
- Decision adopted on to harmonise rules on fire safety in construction activities 26-Jul-2008 [27217]
- Re-Issued and amended Circular on Soil Remediation 2006 10-Jul-2008 [11629]

### Poland

- Ordinance on Form of Voivodship Report on Use of Environment and Its Publication adopted 01-Aug-2008 [14254]
- Ordinance on Mode of Training of Drivers Conducting Road Transport 02-Jul-2008 [26822]
- Ordinance on air transport of goods requiring special treatment issued 11-Jul-2008 [26824]
- Act on mining waste management adopted 10-Jul-2008 [27110]
- Ordinance on Criteria and Method of Assessment of Groundwater Status issued 23-Jul-2008 [27117]
- Rotterdam Convention on PIC procedure officially published 29-Aug-2008 [27135]

### Portugal

- Decree Law on lifts revised 26-Aug-2008 [2338]
- Revised IPPC regime adopted 26-Aug-2008 [9878]
- Decree Law on environmental liability adopted 29-Jul-2008 [26461]
- Fund for Environmental Intervention (FIA) established 30-Jul-2008 [26462]
- Rules implementing the EU Regulation on Pollutant Release and Transfer Register (E-PRTR) adopted 21-Jul-2008 [27013]
- Application form for greenhouse gas emissions allowances revised 29-Jul-2008 [27014]
- Legal framework on National Ecologic Areas (REN) revised 22-Aug-2008 [27017]

### Russia

- Labour Code amended 22-Jul-2008 [27184]
- Adopted Regulation on the Issue of Licences for Facilities with a Fire or Explosion Hazard 12-Aug-2008 [27222]
- Technical Regulation on Fire Safety adopted 22-Jul-2008 [27226]

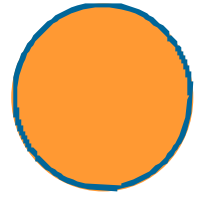
### Spain

- Royal Decree approving the role and responsibilities of the Ministry for the Environment, Rural and Marine Environments adopted 04-Jul-2008 [26797]
- Resolution concerning the planned national health prevention activities for 2008 adopted 31-Jul-2008 [27157]

### Switzerland

(continued on page 9)

## Western Europe (continued)



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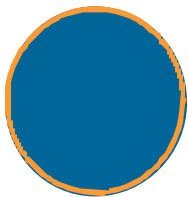
- Ordinance on the prevention of occupational accidents and diseases amended 02-Jul-2008 [27111]
- Ordinance on workers' health and safety during construction works 02-Jul-2008 [27133]

### United Kingdom

- Adopted the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) (Amendment) Regulations 2008 11-Aug-2008 [27249]
- Adopted the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 2008 11-Aug-2008 [27250]
- Adopted the Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2008 12-Aug-2008 [27252]
- Adopted the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 21-Aug-2008 [27253]
- Adopted the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2008 23-Jul-2008 [27260]
- Adopted the Vehicle Drivers (Certificates of Professional Competence) (Amendment) (No. 2) Regulations 2008 21-Jul-2008 [27262]
- The Community Emissions Trading Scheme (Allocation of Allowances for Payment) Regulations 2008 adopted 11-Jul-2008 [26697]
- The Batteries and Accumulators (Placing on the Market) Regulations 2008 adopted 08-Aug-2008 [27198]
- The Export and Import of Dangerous Chemicals Regulations 2008 adopted 05-Aug-2008 [27228]
- The Air Navigation (Dangerous Goods) (Amendment) Regulations 2008 adopted 21-Jul-2008 [27246]
- The Offshore Installations (Safety Zones) (No.2) Order 2008 adopted 11-Aug-2008 [27247]
- The Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2008 04-Jul-2008 [26876]
- The Cosmetic Products (Safety) (Amendment) Regulations 2008 adopted 14-Aug-2008 [26883]
- The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 30-Jul-2008 [27259]
- ENGLAND, WALES, SCOTLAND: The Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations 2008 18-Jul-2008 [26870]

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in July and August 2008. 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 7,400 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](mailto: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?**



## North America

### 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 [protocols@enhesa.com](mailto:protocols@enhesa.com) for further details.

### Canada

- BRITISH COLUMBIA: Carbon tax becomes effective 01-Jul-2008 [16958]
- Orders published to amend the Domestic and Non-domestic Substances List adopted 20-Aug-2008 [26079]
- Significant New Activity Notice No. 15092 regarding the substance the substance alkanolic acid, dihydroxy-,2-alkyl esters 12-Jul-2008 [26173]
- Significant New Activity Notice No. 15061 regarding the substance Thioimidodicarbonic acid, CAS No. 39142-36-4 12-Jul-2008 [26365]
- Significant New Activity Notice No. 15050 regarding living organism KB-1® Anaerobic Dechlorinating Consortium 12-Jul-2008 [26578]
- Significant New Activity Notice No. 15111 adopted regarding the substance 2-Propenoic acid, 2-methyl-, alkyl ester 16-Aug-2008 [26581]
- ONTARIO: Regulations adopted on landfill gas collection and control 05-Jul-2008 [26608]
- Significant New Activity Notice No. 15221 adopted regarding the substance substituted silylated resorcinol 09-Aug-2008 [26628]
- Polybrominated Diphenyl Ethers Regulations adopted 09-Jul-2008 [26649]
- Orders published to amend the Domestic and Non-Domestic Substances Lists 23-Jul-2008 [26841]
- Significant New Activity Notice No. 15074 published with respect of the living organism carthamus tinctorius L.S-317 - 4206-8A 26-Jul-2008 [26842]
- Notice with respect to Batch 7 Challenge substances published 30-Aug-2008 [27073]
- Adopted NESHAP area source standards for plating and polishing operations 01-Jul-2008 [17093]
- Consumer Product Safety Improvement Act of 2008 enacted 14-Aug-2008 [17025]
- CALIFORNIA: Revision of Proposition 65 List (addition of gallium arsenide, hexafluoroacetone, nitrous oxide and vinyl cyclohexene dioxide) 01-Aug-2008 [14942]
- CALIFORNIA: Adopted permit by rule regulations for treating aqueous wastes containing cyanide issued 18-Jul-2008 [15117]
- CALIFORNIA: Maximum Allowable Dose Level for DBP adopted under Proposition 65 04-Jul-2008 [15160]
- CALIFORNIA: Adopted amendments to the vapor recovery equipment defects list 06-Aug-2008 [15334]
- CALIFORNIA: Adopted revisions to Oil Spill Prevention and Response regulations 06-Aug-2008
- INDIANA: Emergency rule for small employer wellness programs 16-Jul-2008 [26885]
- ILLINOIS: Adopted new certification requirements for industrial radiography 08-Aug-2008 [27113]
- ILLINOIS: Proposed Electronic Products Recycling and Reuse Act 10-Jul-2008 [17185]
- ILLINOIS: Adopted amendments to procedures for review of petitions for mercury product exemptions 18-Jul-2008 [26116]
- ILLINOIS: Adopted amendments to the Illinois Resource Conservation and Recovery Act 25-Jul-2008 [26118]
- NEW JERSEY: Adopted amendments to water quality management planning rules 07-Jul-2008 [26898]
- NEW JERSEY: Adopted revisions to ground water quality standards 07-Jul-2008 [15124]
- NEW JERSEY: Adopted amendments for asbestos license and permit rules 07-Jul-2008 [16450]
- NEW YORK: Legislation to adjust tax incentives under the brownfield cleanup program 23-Jul-2008 [26979]
- NORTH CAROLINA: Adopted legislation to promote private compensatory mitigation for wetlands impacts 02-Aug-2008 [26956]
- MASSACHUSETTS: Enacted Global

### United States

- Adopted revisions to national emission standards for hazardous air pollutants for semiconductor manufacturing 22-Jul-2008 [13092]
- Adopted rule implementing agreements from the 2008 Australia Group meeting and addition to the list of parties to the Chemical Weapons Convention 08-Jul-2008 [26831]
- Adopted area source standards for nine metal fabrication and finishing source categories 23-Jul-2008 [26143]
- Adopted regulation regarding pesticide residue on food contact surfaces 20-Aug-2008 [27036]

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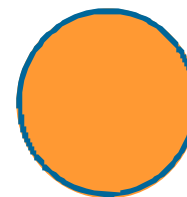
## North America (continued)

(Continued from page 10)

- Warming Solutions Act 07-Aug-2008 [16907]
- WASHINGTON: Amendments to wastewater and storm water discharge

permit fees in Washington state 20-Aug-2008 [26702]

- WASHINGTON: Permanent rules regarding safety standards for



## Central and South America

### Argentina

- BUENOS AIRES PROVINCE: Resolution on recovery of contaminated area that affects the groundwater resources adopted 01-Aug-2008 [27168]

### Brazil

- Decree regulating the Environmental Crimes Law adopted 22-Jul-2008 [26847]
- Federal Environmental Compensation Chamber established 18-Jul-2008 [15833]
- Law establishing the maximum lead content in paints and varnishes adopted 01-Aug-2008 [26563]
- Sao Paulo: Decree on pollution prevention and control revised 03-Jul-2008 [27012]
- Rio de Janeiro: Manufacture and marketing of PET packaging with metallic painting prohibited 09-Jul-2008 [26498]
- Revised procedures for Federal environmental licensing adopted 18-Jul-2008 [26848]
- Rules on environmental licensing of activities or facilities located in consolidated urban areas in environment protection areas (APA) adopted 17-Jul-2008 [27016]

### Colombia

- Decree 2436 establishing access restrictions to landfill sites issued 03-Jul-2008 [26877]

### Costa Rica

- Environmental guide for construction approved 10-Jul-2008 [27172]

- Plan on solid waste approved 29-Jul-2008 [26686]
- Law of approval of the convention on tobacco control adopted 07-Jul-2008 [27169]

### Mexico

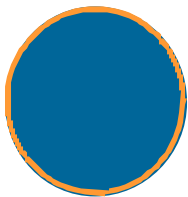
- NOM-021-ENER/SCFI-2008 updating NOM-021-ENER/SCFI/SEMARNAT-2000 on air-conditioning units issued 04-Aug-2008 [4488]
- NOM-005-SCT-2008 regarding emergency information for transport of hazardous substances, materials and waste issued 14-Aug-2008 [15880]
- NOM-004-ENER-2008 on energy efficiency regarding pumps and motor-pumps for clean water within 0,187 kW to 0,746 kW capacity issued 25-Jul-2008 [16629]
- NOM-017-ENER/SCFI-2008 on energy efficiency regarding compact self-ballasted fluorescent lighting issued 26-Aug-2008 [16630]
- Modification to the articles 168 and 170 of the Regulation on Health Inputs 05-Aug-2008 [27029]

### Peru

- Regulation implementing law on the use of ionizing radiation approved 18-Jul-2008 [26802]
- Regulation implementing law on the prevention and control of tobacco consumption risks adopted 04-Jul-2008 [26803]
- Standard norm of health that establishes the list of occupational diseases approved 14-Jul-2008 [26804]
- National environmental quality standards

Actualmente ENHESA se encuentra evaluando la posibilidad de lanzar el Flash de Enhesa en idioma Español. ¿Sería esto de utilidad para usted o para su empresa? **Por favor háganoslo saber a: [cala@enhesa.com](mailto:cala@enhesa.com)**

Enhesa is considering launching the Enhesa Flash in Spanish. Would this be of interest to you or any of your colleagues? Please let us know by emailing us at: [cala@enhesa.com](mailto:cala@enhesa.com)



## Are You Ready for REACH? (continued)

(Continued from page 1)

application will extend much further since any trade in chemicals with the EU will be scrutinized for compliance with its requirements. The Regulation completely overhauls the current legal framework of chemicals management in the EU, removing the previous differences in treatment between new and existing substances, and imposing new obligations on manufacturers, importers and users of chemical substances and preparations, and of many products containing such substances or preparations.

The Regulation is based on four main pillars:

- ◆ *Registration* of substances, preparations and substances/preparations in articles
- ◆ *Evaluation* of the registration dossiers
- ◆ *Authorization* of substances of very high concern (SVHC)
- ◆ Marketing and use *restrictions* of certain dangerous substances.

REACH marks a paradigm shift as it aims to make industry responsible for placing only safe products on the market. Before REACH, public authorities had to show that a chemical was dangerous whereas now industry will have to show that a chemical is safe before it can be placed on the market. Industry will have to gather sufficient information about the chemicals it deals with in order to identify their hazardous properties and the measures that will allow safe use of the products that reach consumers.

### Why should non-chemical manufacturers be concerned?

Despite wide-spread misconceptions, REACH doesn't only affect chemical manufacturers. The Regulation also establishes specific obligations for downstream users of chemicals and even companies that manufacture or import certain products (termed "articles") in the EU. The key question to ask is what role(s) your company plays with respect to REACH. Depending on these, you might be required to register the substances, either on their own, in preparations or even in articles; brief your suppliers on the specific uses you make of the supplied chemicals; provide consumers with information to allow the safe use of an article, etc. The range of your duties can be quite extensive or rather limited. Things to be aware of concerning articles manufactured in or placed on the

market in the EU include:

- ◆ Are there any substances in them that are "intended to be released under normal or reasonably foreseeable conditions of use?"
- ◆ Do such substances exceed the threshold of 1 metric tonne per year (per producer or importer)?
- ◆ Do they contain any "Substances of Very High Concern (SVHC)" in amounts equal to or greater than 0.1% by weight?
- ◆ Do they contain any substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), that are persistent, bioaccumulative and toxic (PBT) or are very persistent and very bioaccumulative (vPvB)?
- ◆ Do they contain any other restricted substances, such as lead, mercury, arsenic, cadmium, etc.?
- ◆ Are you required to supply safety data sheets (SDS) or label the container with chemical hazard information?

Your answers to these and related questions may help to determine your role under REACH and your obligations with respect to compliance. In some cases, you may be obliged to register the substances that would be released from the article, or you may be obliged to notify the authorities (European Chemicals Agency – ECHA) of the presence of SVHCs, or, at a minimum communicate this information to downstream users and consumers.

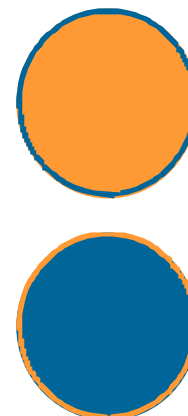
Even if you ultimately determine that you have no legal obligations under REACH at this time, the Regulation can nonetheless impact your business in myriad ways:

- ◆ Will the materials on which your processes and products depend continue to be available?
- ◆ Will you face cost increases as a result of your suppliers meeting their REACH obligations?
- ◆ And what about additions to the list of SVHCs – will future lists impact your legal obligations?

Whether or not you have a legal obligation under REACH, this new regulatory regime will affect, to some degree, the price, and even the availability, of raw materials

(Continued on page 13)

## Are You Ready for REACH? (continued)



(Continued from page 12)

and products on the market. The registration and testing costs alone can be as high as, or even exceed, EUR 100,000 per substance. This may even push some small- to medium-sized chemical manufacturers out of business or prompt others to cease marketing the substances if the costs of compliance exceed the market value of the product. At the very least, it is highly likely that the manufacturers and importers will try to pass the costs on to users and consumers.

Thus, REACH is not merely an environmental issue. It will impact the way businesses are operated (as well as whether they can operate). REACH compliance cannot, therefore, be assured solely by your environmental or EHS department. It must involve other departments such as legal, finance, R&D, quality assurance, purchasing and materials sourcing, sales, and even manufacturing, amongst others. Senior management needs to be aware of the issues facing the company. Last, but not least, employees should be made familiar with the impact of REACH on the activities in their areas of competence.

### How can ENHESA help?

To assist our clients in navigating the complexities of REACH, ENHESA has developed a simple approach to assessing whether a company's products attract any regulatory obligations under the new requirements as well as to identify the necessary actions the company should take, not only to comply, but also to manage its supply chain to ensure continuing commercial viability. Working with senior chemicals specialists, our regulatory team has developed a template to review specific products and their material compositions to determine if, and how, they are impacted by REACH and to outline the necessary steps the company should/must take to comply and/or avoid disruptions or impediments to placing them on the European market. This approach, which was developed by a senior chemical regulatory specialist with twenty years experience in managing regulatory compliance for major consumer product manufacturers, can be implemented in as little as two-three days (depending on the range and complexity of the products concerned). It covers the following:

- ◆ Evaluate the company's products to determine their applicability as related to REACH requirements. The area of focus will be articles, both those with and without substances intended to be released

to the environment.

- ◆ Provide guidance on determining whether or not a substance should be pre-registered and whether subsequent notification may be required. If data are available on production levels of such substances, further guidance can be provided during the assessment.
- ◆ Provide guidance on general next steps related to pre-registration and/or registration.
- ◆ Provide general guidance on Substances of Very High Concern (SVHC) as related to articles and their packaging.
- ◆ Discuss how best to gather information related to SVHC's in articles and article packaging materials
- ◆ Provide guidance and develop templates for the following: Supplier inquiries related to SVHCs + Customer notification of SVHCs

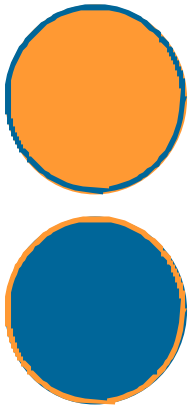
Because REACH obligations extend the full length of the supply chain, it is vital that you take into consideration your suppliers and your customers:

- ◆ Are they familiar with REACH?
- ◆ Have they taken steps to pre-register or register the substances they supply to you?
- ◆ Do you have adequate communication channels to ensure that your uses and your customers' uses are reflected in their exposure scenarios?

It is important to know your suppliers because you will have to trust their suppliers and their suppliers' suppliers, etc. If you fear that your suppliers do not intend to get involved in the registration process, you'll need to talk to them. Otherwise, you risk possibly severe business disruptions as a result of their omissions.

If you think your company might benefit from such a baseline review, contact us by phone (+1 301 530 1392 in the US or +32 2 775 9797 in Europe and elsewhere around the world) or by email at [pcb@enhesa.com](mailto:pcb@enhesa.com). With so much at stake, doesn't it make sense to be sure that your products will continue to enjoy access to one of the most important markets in the world?

*Paul Beatley*  
*Enhesa Director*



## Upcoming Events and Presentations

### 22-24 Oct 2008 - 16th Annual EHS Management Forum, Memphis TN

- ◆ Organized by the National Association of Environmental Managers.
- ◆ For further info: <http://www.naem.org/forum.html>
- ◆ The 2008 EHS Management Forum features 4 educational tracks: Managing Resources & Risk, Transparency & Communication, The Business of Sustainability, and Managing Global Business. Attendees can choose from 24 concurrent sessions organized along these tracks.
- ◆ The NAEM Forum is the perfect professional learning venue for you to exchange ideas with other E/EHS managers from a wide range of industrial & service organizations. The educational format consists of 24 interactive sessions and 3 keynotes to ensure an unparalleled learning experience presented through collaborative learning, problem solving, and lecture-based sessions. While the concurrent sessions focus on peer-to-peer learning, the Exhibition Program offers you cutting-edge solutions by the leading consultant & service providers in the field.
- ◆ ENHESA will be on hand to exhibit its services and tools in the field of global EHS compliance assurance support. Be sure to stop by our booth to meet some of our directors and senior consultants and program managers, including:
  - ◆ Paul Beatley, Director & Senior Consultant
  - ◆ Fabio Cherubini, Director and Senior Consultant
  - ◆ Nina Simons ENHESA's Regulatory Register Program Manager
  - ◆ Eduardo Molina, ENHESA Regulatory Specialist for Latin America
  - ◆ Gaye van der Eerden, ENHESA's Marketing Director

### 2-5 Dec 2008 - Pollutec, Lyon, France

- ◆ Booth situated in Hall 3, AF 197 in the **Risks, Regulations and Sustainable Development** section.
- ◆ On Thursday 4th Dec 2008 there is a Forum on "Risks, Regulations and Sustainable Development." As part of this Forum, Enhesa Program Manager Cecile Baudon will provide a presentation on "Environment regulations applicable to industrial operations worldwide." The presentation is scheduled for 15h35.
- ◆ Further info at <http://www.pollutec.com>

### 2009 - Auditing Roundtable

- ◆ Enhesa will be exhibiting and attending the Auditing Roundtables in:
  - ◆ San Antonio, TX 22-24 April 2009
  - ◆ Lisbon, Portugal 13-14 May 2009
  - ◆ Baltimore, MD 9-11 Sep 2009

### 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). [www.enhesa.com](http://www.enhesa.com)

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