

# Enhesa flash

global ehs compliance assurance **also in French**

No. 50 Nov 2009

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 130 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).

### Inside this issue

Expanding pollution release reporting	1, 19-20
Emissions reporting webinar	1
Enhesa's Washington DC international dinner	3
Enhesa free webinar on EHS audit programs	3
Tackling workplace stress	4, 5
50th Issue of the Enhesa Flash	6
Is the defence industry covered by REACH?	7-8
REACH deadline for downstream users approaches	8
Lean and green: IEMA conference	15
The UNASUR treaty and EHS	21-22
Enhesa webinar program	25
Upcoming Enhesa events and presentations	26
<b>Adopted EHS Regulations</b>	
Asia Pacific	2, 5
Africa and the Middle East	6
European Union	6
International	6
Central and Eastern Europe	9-11
Western Europe	11,-12, 14-16
North America	16-18
Central & South America	22-24

## Expanding pollution release reporting

### Pollutant emissions reporting and implications for greenhouse gas emissions

In an effort to understand the quantity of pollutants entering the environment, several countries have implemented pollutant emissions reporting programs. Under the typical pollutant emissions reporting program, an affected facility is required to report to its respective government or government agency information concerning the quantity of pollutants emitted into the air, water and land as well as the amount of waste transported for disposal, recycling or reclamation. Criteria that determine whether a facility is required to report pollutant emissions often includes the types of pollutants released, the quantity of pollutants released and, in some cases, the number of individuals employed or the total number of hours that employees work at a facility releasing pollutants. The pollutant emissions information collected by the government or the government agency is then disseminated to the public.

A facility can use a number of tools to estimate the quantity of pollutants released into the environment, tools commonly used to estimate the quantity of pollutants released into the environment include:

- Direct Measurement: Direct measurement

is based on measured concentrations of the substance in a waste stream and volume/flow rate of that stream. This method can involve periodic sampling or continuous monitoring.

- Mass Balance: A mass balance involves applying the law of conservation of mass to a facility, process or piece of equipment. Releases are determined from the differences in input, output, accumulation and depletion of a substance.
- Engineering Calculations: Releases can be estimated from engineering principles and judgment, by using knowledge of the chemical and physical processes involved, the design features of the source and an understanding of the applicable physical and chemical laws.
- Emissions Factors: Emission factors relate to the quantity of substances emitted from a source to some common activity associated with those emissions. Emission factors are generally based on the results of source sampling tests performed at one or more facilities within a specific industry.

(Continued on page 19)

## Understanding the complexity and costs of emissions reporting

### Enhesa free webinar on global pollutant and greenhouse gas emissions reporting

Do you understand the emissions reporting programs your company reports to worldwide? Are you meeting your greenhouse gas emissions reporting requirements?

Two free Enhesa webinars will discuss the latest changes and differences in emissions reporting programs around the world. Enhesa's consultants will discuss the practicalities of emissions reporting.

These webinars on EHS emissions reporting programs will be held on the following dates:

- **Tuesday 10 November 2009**  
11am US EST / 5pm Central European Time
- **Thursday 12 November 2009**  
9am US EST / 3pm Central European Time

For information about these free webinars, contact Maria Panteris at [mp@enhesa.com](mailto:mp@enhesa.com)

## The Best Just Got Better

We have dropped the prices of our Audit Protocols and expanded our coverage. Now offering protocols for 130 countries and jurisdictions, updated annually at only \$6,600.

For more information visit us at [http://www.enhesa.com/en/service/audit\\_protocol.aspx](http://www.enhesa.com/en/service/audit_protocol.aspx)

**More great value from the market leader in EHS global compliance assurance.**



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 August and September 2009 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

- Ban on import of asbestos in ships clarified 14-Aug-2009 [31263]
- Renewable energy target legislation passed by Parliament 20-Aug-2009 [29713]
- NSW: Energy and Utilities Administration Amendment (Close Control Airconditioners) Regulation 2009 published 04-Sep-2009 [31314]
- NSW: Energy and Utilities Administration Further Amendment (Minimum Energy Performance Standards) Regulation 2009 published 02-Oct-2009 [31313]
- NSW: Occupational Health and Safety Amendment (National Code of Practice and National Standard for Licensing) Regulation 2009 published 28-Aug-2009 [31312]
- NSW: Pesticides Regulation, 2009 published 21-Aug-2009 [31311]
- QLD: New bushfire building standards 01-Oct-2009 [31322]
- QLD: Sale and installation bans on air conditioners which do not meet minimum energy efficiency ratio requirements 01-Sep-2009 [31644]
- SOUTH AUSTRALIA: Amendments impose greater controls on drug precursors and related equipment 10-Oct-2009 [31719]
- SOUTH AUSTRALIA: New Environment Protection Regulations consolidate previous regulations 01-Sep-2009 [31271]

### China

- Distilled residue of DMF (N, N-Dimethylformamide) classified as hazardous waste 22-Sep-2009 [31617]
- Implementation rules on offshore oil drilling safety management published 07-Sep-2009 [31445]
- List of Contractors Qualified to Carry Out Environmental Pollution Control Operations in 2009 (Third Batch) 20-Aug-2009 [31098]
- List of eco-label products subject to government procurement updated 31-Aug-2009 [13343]
- Management measures on notification on workplace occupational hazards detailed 08-Sep-2009 [31618]
- Methyl chloroform (TCA) banned for use and manufacture from 2010 20-Jul-2009 [31305]

- National resolution on responding to climate change released 27-Aug-2009 [31082]
- Procedures for importing and exporting toxic chemicals specified 18-Sep-2009 [31453]
- Regulation on transportation of radioactive goods published 14-Sep-2009 [31447]
- Special action for dust and highly toxic hazards prevention carried out 16-Aug-2009 [31105]
- Work safety for confined spaces needs more attention 14-Aug-2009 [31103]
- Guangdong: Checks on hazardous waste generation and disposal from dregs of antibiotics carried out 28-Jul-2009 [31306]
- Jilin: Special action for dust and highly toxic hazards prevention carried out 23-Sep-2009 [31455]
- Jilin: Work safety supervision tightened 07-Aug-2009 [31307]
- SHANGHAI: Health management of centralized supply of drinking water strengthened 24-Sep-2009 [31621]

### Indonesia

- Import requirements for non-hazardous and non-toxic reusable waste are renewed 02-Sep-2009 [31663]

### Japan

- First Environmental Quality Standard for particulate matters (PM2.5) has been set 09-Sep-2009 [31625]
- Technical requirements for advance earthquake notice equipment when being used with fire emergency alarm systems are adopted 30-Sep-2009 [31630]

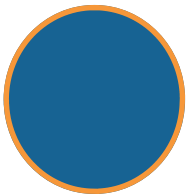
### New Zealand

- Climate Change (Stationary Energy and Industrial Processes) Regulations 2009 published 28-Sep-2009 [27494]
- Resource Management (Simplifying and Streamlining) Amendment Act 2009 passed 22-Sep-2009 [28869]

### Singapore

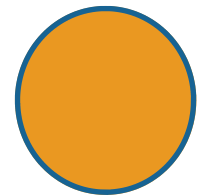
- Adopted Biological Agents and Toxins (Exemption) Regulations 2009 01-Oct-2009 [31699]

(continued on page 5)



For more details on any of these developments, you can subscribe to the **Enhesa Update** (7,000 EUR/year for a corporate subscription) or register to receive **detailed Monitoring Reports**. For further information visit <http://www.enhesa.com/service/monitoring.aspx> 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 and jurisdictions covered on a daily, in-depth basis now stands at over 130.



## Enhesa webinars provide guidance on auditing in a troubled economy

Have you been asked to do more with less to ensure global EHS compliance? Can your audit system withstand the economic downturn combined with an increasingly stringent regulatory environment?

In October 2009, Frank Brandauer, Enhesa Executive EHS Consultant and former Director of EHS for Avery Dennison, explored the various verification approaches and alternatives companies are employing to reduce costs and improve efficiency while maintaining effectiveness.

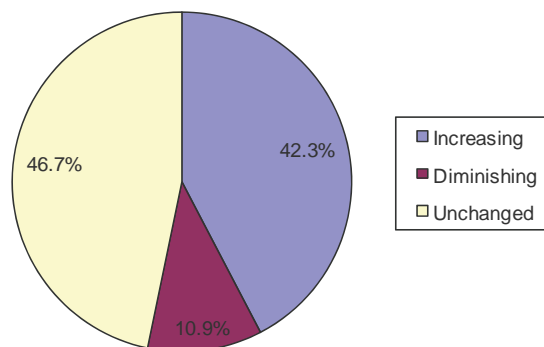

Here are some quotes from some of our satisfied attendees:

- Great presentation. Thank you.
- Very nice presentation.
- Thank you very much for the interesting event.

Enhesa surveyed businesses before the webinars. More than 60 per cent of EHS professionals had experienced reduced budgets due to the economic crisis, but auditing was seen as just as valuable. And almost half of the respondents had experienced an increase in regulatory enforcement activities.

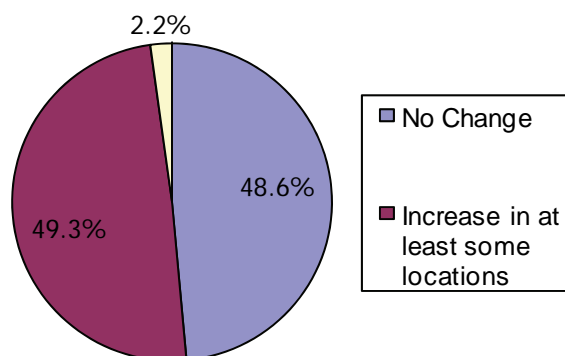

For a copy of the presentation and access to the webinar recording, please contact us at [webinars@enhesa.com](mailto:webinars@enhesa.com).

The value of EHS Auditing is seen as:

**Presenter**  
Frank Brandauer  
Executive Consultant, Enhesa

Have you experienced an increase in regulatory enforcement activities?

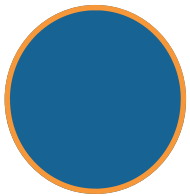



**Q&A Panelist**  
Paul Cullen Beatley  
President, Enhesa

### Optimize your 2010 EHS compliance audit program. Use the Enhesa Audit Protocols.

- Available for more than 130 jurisdictions worldwide.
- Updated in 2010 with the latest regulatory developments.
- In an Excel ScoreCard or a data feed for any audit platform.
- Plenty of new functionalities that make auditing more efficient.
- Back-office support as needed to ensure success.
- Most protocols available in local language and in English.
- The best value for money from the market leader in global EHS compliance.

For more information visit us at [http://www.enhesa.com/en/service/audit\\_protocol.aspx](http://www.enhesa.com/en/service/audit_protocol.aspx)



## Tackling workplace stress:

### *What are the risk factors in your workplace?*

Traditionally, stress in the workplace has been considered a problem to be managed by human resources (HR) departments rather than a health and safety (H&S) issue. Nevertheless in the European Union, work-related stress (WRS) is the second most common work-related health problem, after back pain (musculoskeletal problems), affecting 22% of EU workers. WRS can be caused by psychosocial hazards such as work design, organisation and management (e.g. high job demands and low job control, and issues like bullying and violence at work). Moreover, physical hazards, such as noise and temperature, can also contribute to WRS.

Therefore reducing stress in the workplace is a task that should be undertaken by H&S managers, who should ensure working conditions minimize the risk of stress. As well as the costs of increased absenteeism and reduced productivity, businesses who fail to manage stress in their workplaces can face legal liability. In 2005, in New Zealand, a company was convicted for failing to provide a safe working environment under the Health and Safety in Employment Act 1992, after an employee broke down from work-related stress.

In the European Union, non regulatory efforts started in 2004 when a framework agreement on work-related stress was signed by employer organizations and trade unions. The objective of the agreement was to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress. The agreement applies to all workplaces and all workers, irrespective of the size of the company, field of activity, or form of employment contract or relationship, although it is recognized that not all workplaces and not all workers are necessarily affected by work-related stress.

The agreement defines stress as a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them. OSHA, the European Agency for Safety and Health at Work, has adopted this definition: *“work-related stress is experienced when the demands of the work environment exceed the workers’ ability to cope with (or control) them.*

Stress at work is identified as the second most important threat posed by the working environment in Europe. As mentioned above, the Eurofund survey, in 2005, stress at work experienced by 22% of working Europeans (compared to 28% in the EU15

in 2000), with significant differences in the level of stress at work in different Member States. For instances, Greece (55%), Slovenia (38%), Sweden (38%) and Latvia (37%) have high levels of workers affected by stress at work. While in Germany, Ireland and the Netherlands (16%) and in the United Kingdom (12%) the number of affected workers is significantly lower than the EU average. Nevertheless, there are cultural differences related to the perception and reporting of WRS and psychosocial risks in workplaces, which need further investigation on the development of reliable indicators of WRS.

### **Some countries are adopting regulations on work-related stress**

As a follow up of the framework agreement on stress, several countries have adopted measures to tackle or control the risk deriving from stress at work. The concrete implementation efforts against work-related stress have tackled the problem from various perspectives and with different approaches: through sectoral collective agreements; through company level collective agreements; or just through disseminating information and raising the awareness of workers and employers of the issue. Some countries have chosen to adopt regulatory provisions to address and prevent stress at work. Although a general risk assessment must evaluate all risks at work, Belgium and Italy specifically provide that stress must be evaluated when performing the general workplace risk assessment. In France, the 2004 framework agreement has been transposed and made mandatory as of April 2009, thus increasing the responsibility and liability of the employer.

Other countries where regulatory initiatives have been taken include Czech Republic, Denmark and Slovakia. In Australia, managing work-related stress is considered part of an employer’s legal duty to provide a safe working environment. And in Asia, some governments are starting to address workplace stress by releasing guidance for employers on how to manage workplace stress and violence.

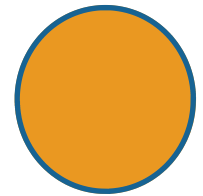
### **You can tackle workplace stress by looking at the risk factors in your workplace**

In order to prevent and reduce work-related stress, employers should look at the following risk factors in their workplace:

- The culture or ‘atmosphere’ of the organization and how it approaches work-related stress;

*(Continued on page 5)*

# Tackling Workplace Stress (continued)



(Continued from page 4)

- Demands such as workload and exposure to physical hazards;
- Control - how much influence workers have in the way they do their work;
- Relationships - including issues like bullying and harassment;
- Change - how organizational change is managed and communicated;
- Role - whether the workers understand their role in the organization and that conflict in their role is avoided;
- Support from colleagues and managers;
- Training to give workers the skills to perform their task;
- Individual factors - catering for individual differences.

More information on work-related stress can be found in the OSHA report [OSH in figures: stress at work — facts and figures](#) and in the OSHA fact sheet on work-related stress.

As more and more countries adopt regulations on work-related stress, Enhesa has been helping companies identify which duties apply to them and how they can continue to remain in compliance. If you would like to know how Enhesa can help your company, please contact us at [info@enhesa.com](mailto:info@enhesa.com).

**Vito A. Buonsante**  
Enhesa Consultant

## Asia Pacific (continued)

(Continued from page 2)

- Adopted new Competency Standard for Forklift Operators 28-Sep-2009 [31695]
- Adopted Workplace Safety and Health (Confined Spaces) Regulations 2009 02-Oct-2009 [28105]

### South Korea

- Detailed health and safety control measures on operations involving asbestos provided 30-Jul-2009 [30042]
- Dimethylsulfamoyl chloride, triphenylsulfonium 4-oxo-1-adamantylloxycarbonyldifluoromethane sulfonate designated as toxic substances 20-Aug-2009 [31411]
- List of severely restricted or banned substances further clarified 05-Oct-2009 [31412]
- Scope of waste containing dioxin clarified and reduced 25-Aug-2009 [31413]
- Training requirements determined for workers handling asbestos 07-Aug-2009 [30041]
- Two toxic substances and four observational substances newly designated 24-Sep-2009 [28397]

### Taiwan

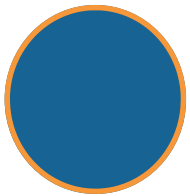
- Energy management act amended 08-Jul-2009 [30973]
- Export license for 4 types of paper products no longer required 14-Aug-2009

[31379]

- Facilities categories (names) for submission of industrial waste clearance plan amended 21-Sep-2009 [31612]
- Import permit waived for imports of waste lead materials, waste cadmium materials, and waste chromium materials 10-Sep-2009 [31614]
- Labelling requirements for small toxic chemical substance containers to be loosened 07-Sep-2009 [29538]
- Noise control standards updated 04-Sep-2009 [26146]
- Risk prevention and response plan notification required for transport of toxic chemical substances 28-Sep-2009 [30347]
- Rules on delineating noise control zones issued 04-Sep-2009 [31616]
- Scope of facilities subject to online applications for, changes to and extension of water pollution permits amended 17-Sep-2009 [31615]
- Scope of power source to be recycled clarified 31-Aug-2009 [29587]
- Transit and re-export of radioactive substances was simplified 30-Sep-2009 [31244]

### Vietnam

- Circular on environmental management in economic zones and industrial parks published 15-Jul-2009 [31590]



## Africa and the Middle East

### Egypt

- Higher Council for Protection of the River Nile and Waterways from Pollution Created 12-Sep-2009 [31701]
- Order on Delegation of permitting authority for construction work 14-Aug-2009 [31061]

### South Africa

- National Environmental Amendment Act, 2009 (Act no. 44 of 2008) enters into force 11-Sep-2009 [31758]

### United Arab Emirates

- Fuel Storage Tank Regulations Issued 01-Oct-2009 [31714]

## European Union

- Active substances included in Annex I to the Biocides Directive 29-Jul-2009 [31196]
- Amendment to implementing measures with regard to ecodesign requirements for non-directional household lamps regarding ultraviolet radiation adopted 18-Sep-2009 [28179]
- Commission Decision establishing requirements for registration of producers of batteries and accumulators 05-Aug-2009 [30376]
- Directive 2009/104/EC concerning the minimum safety and health requirements for the use of work equipment by workers adopted 16-Sep-2009 [17144]
- Directive on technical specifications for chemical analysis and monitoring of water status pursuant to the Water Framework Directive published 01-Aug-2009 [31111]
- First Adaptation to technical progress of the Regulation on Classification, Labeling and Packaging of Chemicals published 05-Sep-2009 [29883]
- Issued assessment of industry's competitiveness 30-Jul-2009 [31133]
- Regulation EC/661/2009 concerning type-approval safety requirements of motor vehicles, their trailers and components adopted 31-Jul-2009 [31198]
- Regulation on the list of aircraft operators performing an aviation activity under the EU emissions trading scheme published 22-Aug-2009 [13626]
- Revised ecolabel criteria for bed mattresses published 05-Aug-2009 [31114]
- Revised ecolabel criteria for hard coverings adopted 12-Aug-2009 [31199]
- Third legislative package for the EU electricity and gas market for more liberalization published 14-Aug-2009 [15703]

## International

- IMO environment meeting issues technical and operational measures to address GHG emissions from ships 17-Jul-2009 [31269]

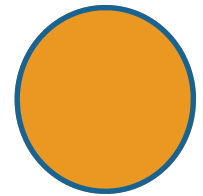
## 50th issue of the Enhesa Flash

Time flies. It seems like just yesterday, but the first issue of the Enhesa Flash was issued 10 years ago. A lot has changed in these 10 years. What started as a quarterly newsletter of 8 pages, evolved to a bi-monthly newsletter of more 20 pages. This growth indicates not only the increasing number of EHS regulations worldwide, but also the expansion of Enhesa's coverage. Over the years, Enhesa has expanded its geographic coverage from 35 to over 130 jurisdictions, and our coverage keeps growing. Our readership has also grown - from a couple of hundred EHS managers mainly

in the US to over 4000 EHS managers across the globe.

Enhesa is constantly looking for new opportunities to make the best use of new technologies and help EHS managers keep track of the latest regulatory developments. For 2010 we foresee a couple of changes for the Enhesa Flash, increasing the periodicity to monthly instead of bimonthly, moving from PDF to HTML format allowing users to select countries and subjects of interest, and launching a Spanish version of the Flash in addition to our English and French versions. This is just the beginning of another ten years of exciting developments.

# Is the defense industry covered by REACH?



Regulation EC/1907/2006 on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) does not provide for a general exemption of the defense industry from REACH, but leaves it to “Member States to allow for exemptions from the Regulation in specific cases for certain substances, on their own, in a preparation or in an article, where necessary in the interest of defense” (Article 2 (3) of REACH).

In this respect REACH takes a different approach than Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) which contains chemical restrictions for hazardous substances specifically for electrical and electronic equipment and Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators. The RoHS Directive applies to certain types of electrical and electronic equipment covered by Directive 2002/96/EC on waste electrical and electronic equipment (WEEE), which itself specifically excludes from its scope “equipment which is connected with the protection of the essential interests of the security of Member States, arms, munitions and war material.” This exemption however, does not apply to products which are not intended for specifically military purposes (i.e. dual-use items). The Batteries Directive does not apply to batteries and accumulators used in “equipment connected with the protection of member States’ essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes”.

## Different approaches regarding REACH defense exemptions in EU Member States

As a result, any exemptions for the defense industry can differ from country to country since Member States may allow for exemptions but are not obliged to do so. The wording used in REACH leaves Member States room for interpretation on how to further detail defense exemptions in their national legislation. A review of the current situation regarding defense exemptions in three countries (the United Kingdom, France and Germany) reveals that it is likely that different approaches will be taken by different countries.

The UK, for example, published REACH Guidelines for the Ministry of Defense (MoD) in January 2008 and in a MoD REACH Process Guidance Document in May 2008 stated that the Secretary of State (SoS) can exempt the MoD or anyone involved in defense-related business from the requirements of specific articles of the REACH Regulation. According to UK Government

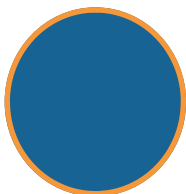
guidelines, these exemptions will be granted in the form of written certificates, conforming to UK legislation. The MoD will establish standards and management arrangements that aim to reach at least the level of the REACH Regulation, if feasible. Moreover, the MoD declared that it will grant defense exemptions from REACH “when absolutely necessary” and it urges Defense Industry Partners to ensure that their suppliers implement a system to register all substances in accordance with REACH. With this approach, the MoD aims to highlight in advance the need to look for alternatives for a substance if the supplier intends to discontinue providing it.

France foresees an exemption for the defense industry from REACH in the Environment Code (Code de l’Environnement), which the Ministry can grant where national defense interests justify. Such exemptions are to be granted in specific cases and for certain substances and preparations. Regulatory provisions implementing this article have not been adopted yet, therefore currently no specific information can be given on which substances and circumstances will be concerned by the exemptions neither on the regulatory approach to be used to grant such exemptions. However, the Ministry of Defense states that it will aim for a measured application of the exemption clause for the defense industry and it will ask its suppliers to comply with REACH requirements.

In Germany the situation is similar to France. The Chemicals Act (Chemikaliengesetz – ChemG) empowers the Ministry of Defense to adopt exemptions from the Act itself referring to REACH as well as detailing Ordinances, on a case-by-case basis as well as for certain substances, preparations and articles, if this is necessary in the interest of defense and possible under Community legislation. No further details are currently available on how the Ministry of Defense will handle this exemption option and the Ministry did not provide any information on the issue. However, the Federal Association for German Industry (Bundesverband der Deutschen Industrie – BDI) urged the Ministry to adopt comprehensive regulations in order to avoid competitive disadvantages for the German defense industry.

The exemption or non-exemption from REACH can have serious impacts on the defense industry, particularly concerning the import, export and transit of military equipment into States outside the European Economic Area (EEA), which includes all EU Member States plus Iceland, Liechtenstein and Norway. EU companies may have a competitive advantage if non-EU companies

*(Continued on page 8)*



## Is the defense industry covered by REACH?

(Continued from page 7)

are prevented from selling their equipment in the EEA because of non-compliance with REACH requirements. On the other hand, EU companies may suffer a disadvantage selling their products in non-EU States, as EU products may not be compatible with other products or may be too expensive due to compliance with REACH requirements.

It should also be considered that compliance with REACH provisions could affect interoperability of military equipment for example regarding their use, maintenance and logistic support between EEA and other countries. Moreover, in the case of overseas operations, problems could occur regarding the maintenance and support of equipment if necessary chemicals are not available.

Registration and authorization provisions under REACH may also lead to the disclosure of sensitive and confidential information due to the requirements to submit registration and authorization dossiers. Furthermore, the decision of suppliers to discontinue providing certain substances may lead

to increased costs since alternatives for this substance would need to be found which requires extensive testing and could affect the composition and design of the product. Certain substances currently used in military equipment may even be completely removed from the market as their authorization would not be economically viable due to high testing costs. In this case, alternatives would have to be found for the products concerned. The problems and challenges faced by the defense industry in this regard are very similar to those of the aeronautics industry.

At this stage it is difficult to foresee how REACH defense exemptions will affect industry. However, as REACH test data becomes available, Enhesa is keeping close track of these and related regulatory and policy developments to assist clients in managing their compliance risks in the most cost-effective manner.

**Judit Béress**  
EU Regulatory Expert

## First REACH deadline for downstream users approaches

Important REACH deadlines approach on 30 November 2009, potentially requiring action from chemical importers, manufacturers and downstream users.

Downstream users of chemical substances have until 30 November to inform their suppliers of how they use chemical substances. If you are a downstream user of chemical substances, this communication is not mandatory, but may benefit your company by saving you the effort of preparing an exposure scenario for the substance when it is registered. To comply with REACH, companies must use a substance according to the conditions set out in the exposure scenario for the substance. If your company uses a substance in a way that is not covered by an exposure scenario, you may be required to prepare your own chemical safety report.

By providing your suppliers with information about how you use chemical substances, suppliers can incorporate this information into the Chemical Safety Assessment for the substance and provide an exposure scenario to the customer. This deadline applies to downstream industrial users of chemical substances, not consumers or distributors. The 30 November 2009 deadline relates to the substances that are to be registered by 30 November 2010. That is, substances that are supplied in quantities of:

- 1000 tonnes per year or more;
- 100 tonnes per year or more, if they are classified as very toxic to aquatic organisms; or

- 1 tonne per year or more, if they are classified as Category 1 or 2 carcinogens, mutagens or toxic for reproduction.

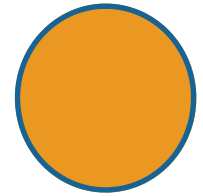
Enhesa recommends that downstream users of chemicals contact their suppliers or their industry association to check whether their use of chemical substances will be covered by the supplier's exposure standards.

30 November 2009 is also the late pre-registration deadline for substances that have to be registered by 30 November 2010. Companies can late pre-register phase-in substances if they started to place these substances on the market after 1 December 2008. The pre-registration must be carried out within 6 months of the date that the substance was placed on the market. Pre-registration allows companies benefit from the delayed deadline for registration (i.e. 2010, 2013 and 2018). It's important to note that late pre-registration is not applicable to substances already on the market before 1 December 2008 for companies that missed the deadline of 1 December 2008.

Did you know that Enhesa can help you track all the deadlines included in EHS regulations, including REACH deadlines? Enhesa can develop compliance calendars for clients to help them meet compliance deadlines. If you have any questions about how Enhesa can help your company meet the challenges of REACH compliance, please contact us at [info@enhesa.com](mailto:info@enhesa.com).

**Have you informed your suppliers on how you use the chemicals in your processes and products?  
30 November 2009 is the deadline.**

# Central and Eastern Europe



## Austria

- Act on a Scheme for Greenhouse Gas Emission Allowance Trading amended to extend scope of installations and activities covered 18-Aug-2009 [31207]
- Act on fluorinated greenhouse gases adopted 22-Sep-2009 [31566]
- Act on the Operation of Steam Boilers amended 18-Aug-2009 [31206]
- Amendment to Act on Environmental Impact Assessment adopted 18-Aug-2009 [29145]
- Amendment to Ordinance on noise and vibrations adopted 18-Sep-2009 [31565]
- Chemicals legislation amended to implement REACH-Regulation 19-Aug-2009 [17017]
- Ordinance on aerosol dispensers 2009 adopted 29-Sep-2009 [31564]
- Ordinance on plant protection amended with regard to wood packaging 01-Oct-2009 [31760]
- Workplace legislation amended in relation to first aid and fire safety 07-Aug-2009 [31083]

## Bulgaria

- Norms for admissible emissions of VOC released into the ambient air as a result of use of solvents by particular installations amended 21-Aug-2009 [31367]
- Ordinance on certification and supervision over persons performing fire safety or emergency rescue activities and fire safety inspections issued 11-Aug-2009 [31346]
- Ordinance on the Terms and Procedures for the Exercising of State Sanitary Health Control issued 21-Jul-2009 [31345]
- Organizational Regulation for the Ministry of Agriculture and Foods issued 24-Jul-2009 [31344]
- Organizational Regulations of the Ministry of the Regional Development and Public Works amended 27-Aug-2009 [31724]
- Organizational Regulations of the Regional Forest Directorates adopted 08-Sep-2009 [31726]
- Organizational Regulations of the State Forest Enterprises adopted 08-Sep-2009 [31727]
- Terms and Conditions for Making an In-

ventory, Research, Performance and Maintenance of the Required Remediation of Damaged Soil issued 23-Jul-2009 [31343]

## Croatia

- Amendments to the Act on Waste adopted 10-Jul-2009 [30261]
- Issued Regulation on conformity assessment, declaration and marking of funicular railways used for transporting people 17-Aug-2009 [31731]
- Regulation on Eco-design for Energy Using Products adopted 20-Jul-2009 [31360]
- Regulation on Electrical Equipment Designed for Use Within Certain Voltage Limits adopted 13-Aug-2009 [31361]
- Regulation on Machinery Safety issued 20-Jul-2009 [31732]
- Regulation on Safety of Lifts issued 20-Jul-2009 [31733]

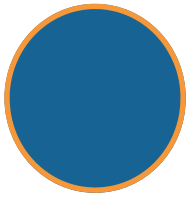
## Czech Republic

- Battery Directive transposed by amendment of the Waste Act 22-Jul-2009 [27690]
- Regulation on aerosol dispensers harmonized with the EU legislation 17-Aug-2009 [29756]
- Regulation on emission of ozone depleting substances and fluorinated greenhouse gases detailing Regulation EC/842/2006 adopted 15-Aug-2009 [30178]

## Estonia

- Conditions for public aid for development waste collection, sorting and recovery adopted 07-Aug-2009 [29451]
- Conditions for sealing of landfills for non-hazardous waste not complying with requirements amended 31-Aug-2009 [31376]
- Establishment and Statutes of the State Register of Products of Concern adopted 23-Jul-2009 [29082]
- List of protected species that indicate water pollution or species damage adopted 24-Jul-2009 [30239]
- Minimum requirements for energy efficiency amended 27-Aug-2009 [30643]
- Standard format for registry cards of the packaging register adopted 28-Aug-2009 [30983]

(Continued on page 10)



## Central and Eastern Europe (continued)

(Continued from page 9)

- Statutes of the National Packaging Register amended 27-Aug-2009 [30644]

### Greece

- Law on occupational physicians issued 26-Aug-2009 [31787]

### Hungary

- Amendment to several environmental and health and safety legislation adopted 01-Oct-2009 [31369]
- Decree on the national implementation of RID 2009 published 07-Aug-2009 [31371]
- Several Decrees concerning construction activities adopted 15-Sep-2009 [31711]

### Latvia

- Amendments to Regulations regarding the Management of Electrical and Electronic Equipment Waste adopted 04-Aug-2009 [29861]
- Regulations on Procedures for Investigation and Registration of Accidents at Work adopted 25-Aug-2009 [28583]
- Regulations on waste collection points, sorting and biodegradable waste composting sites adopted 01-Sep-2009 [28584]
- Regulations regarding construction, management, closure and re-cultivation of landfill sites concerning pollution of underground water adopted 23-Aug-2009 [31353]
- Regulations Regarding the Management of Electrical and Electronic Equipment Waste amended 04-Aug-2009 [31347]
- Regulations Regarding Types of Com-

mercial Activities Requiring Involvement of the Competent Authority amended 22-Sep-2009 [31740]

- Rights of employee representatives dealing with health and safety amended 08-Sep-2009 [31741]

### Romania

- Conditions for preparation of environmental protection studies adopted 27-Jul-2009 [31123]
- Decision No. 29/2009 on Approval of Monitoring Procedure for Energy Audits adopted 03-Jul-2009 [31120]
- Government Decision regarding the organization of State Inspectorate for boilers, under-pressure vessels and lifting machinery control modified 07-Sep-2009 [31745]
- Order No. 748/2009 on Application of the Regulation Regarding International Rail Transport of Dangerous Substances and Goods adopted 15-Jul-2009 [31125]
- Resolution regarding Amendments to Annex III to 1978 Protocol to the International Convention on ships pollution prevention (MARPOL) issued 03-Sep-2009 [31746]

### Russia

- Adopted Decree on Regulating Import and Export of Ozone Depleting Substances 20-Aug-2009 [31260]
- Adopted Technical Regulation on Machinery and Equipment Safety 15-Sep-2009 [31773]
- Direction aimed at avoiding duplication of the same actions by the two state bodies during state inspections adopted 29-Jul-

## Find the right tools and support for your compliance needs worldwide

<b>Country Profiles</b>	<ul style="list-style-type: none"> <li>• A narrative description and analysis of how EHS issues are regulated.</li> </ul>
<b>Regulatory Registers</b>	<ul style="list-style-type: none"> <li>• Access to the relevant and applicable legislative requirements.</li> </ul>
<b>Monitoring Reports</b>	<ul style="list-style-type: none"> <li>• Anticipates the regulatory changes relevant to your company.</li> </ul>
<b>Permitting, Helpline and Consulting Services</b>	<ul style="list-style-type: none"> <li>• Custom-made support to help obtain permits, establish EHS systems and answer all EHS questions.</li> </ul>
<b>Audit Protocols &amp; ScoreCards</b>	<ul style="list-style-type: none"> <li>• Measures performance in terms of compliance assurance.</li> </ul>

## Central and Eastern Europe (continued)

(Continued from page 10)

2009 [31294]

- New Version of Radiation Safety Rules adopted 07-Jul-2009 [31264]
- Rules for Involving Third-Party Experts into the State Inspections of Facilities adopted 20-Aug-2009 [31268]

### Slovakia

- Act on Ambient Air proposed 28-Aug-2009 [31354]
- Decree Implementing Certain Provisions of the Air Protection Act issued 23-Jul-2009 [31357]

### Slovenia

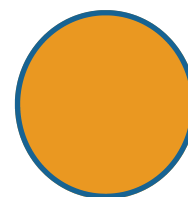
- Decree on Emission of Substances into the Atmosphere from Stationary Sources amended 30-Jul-2009 [31349]
- Decree on Emission of Substances into Wastewater Discharged from Urban Wastewater Treatment Plants adopted 30-Jul-2009 [31348]
- Decree on Management of Waste Tires adopted 30-Jul-2009 [31350]

### Turkey

- Amendment to the Regulation on Lift (95/16/EC) published 15-Sep-2009 [13790]
- Circular on air pollution control and prevention 2009/11 sent to the local representations of the Ministry of Environment 30-Jul-2009 [15222]
- Regulation on Workplace Health and Safety Units and Common Health and Safety Units published 15-Aug-2009 [31046]
- Regulation on control of hazardous waste amended to repeal its Annexes and refer to the Regulation on Waste Management 04-Sep-2009 [8603]

### Ukraine

- Methods for Calculating the Compensation for Damages Resulting from Breaches of Water Protection Legislation Adopted 20-Jul-2009 [31316]
- Norms for the Equipment of Vehicles with Fire Extinguishers Reviewed 03-Sep-2009 [31801]



## EU Pollution Data Published

European emission data from 2007 from 24,000 facilities in 27 countries are now available online.

Check how your facilities compare to those of competitors or whether your facility is a major polluter of a river basin.

<http://prtr.ec.europa.eu/>

## Western Europe

### Belgium

- Federal: Adopted amendments concerning heating installations 17-Jul-2009 [31499]
- Federal: Adopted Decision concerning minimum criteria X-ray equipment for animals 29-Jul-2009 [31643]
- Federal: Adopted Decision on disposal of waste ionizing smoke detectors 17-Aug-2009 [31674]
- Federal: Adopted exemption levels concerning ionizing radiation 09-Jul-2009 [31065]
- Federal: Adopted Royal Order amending the Royal Order of 14 December 2006 concerning pharmaceutical products for human and veterinary use 10-Sep-2009 [31673]
- Federal: Adopted Royal Order concerning aerosols 31-Jul-2009 [31478]
- Federal: Adopted Royal Order concerning the transport of dangerous goods by inland waterways 31-Jul-2009 [31067]
- Flemish Region: Amended certification

for technicians who work with ozone depleting substances and greenhouse gases 04-Sep-2009 [31494]

- Flemish Region: Approved extension concerning Brownfield Covenants 25-Sep-2009 [13655]
- Wallonia: Entry into force of building energy efficiency provisions postponed 27-Aug-2009 [31502]

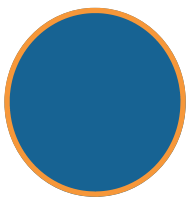
### Denmark

- Directive on certain paints and varnishes and vehicle refinishing transposed and entered into force. 29-Aug-2009 [30952]

### France

- Decision on the tests to be performed during the periodic requalification of certain types of pressure equipment issued 26-Aug-2009 [31329]
- Decision relating to the putting into service and operation of petroleum liquefied gas storage tanks amended 10-Jul-2009 [31330]

(Continued on page 12)



## Western Europe (continued)

(Continued from page 11)

### 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 an up-to-date list of EHS legislation that is applicable to their particular operations, the tool provides a solid basis for a compliance program.

This service is available from Enhesa for facilities in more than 50 countries and regions. The latest updates include **China, Indonesia, Thailand and Hungary**. Upcoming updates include the previous mentioned countries in their local language. In addition, a Regulatory Register has recently been newly developed for **Kazakhstan**.

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

- Decree on safety measures in high-rise buildings adopted 16-Sep-2009 [31571]
- Environmental and safety requirements applying to installations manufacturing or applying enamel and subject to declaration adopted 10-Sep-2009 [31335]
- Order amending the Order on the methods for determining the basis of calculation of the fee on water abstraction adopted 23-Jul-2009 [31233]
- Order on Greenhouse gas emission allowances allocated for the 2008-2012 period amended 13-Jul-2009 [31573]
- Order on periodic compliance audits of installations using varnish, paint, glue, etc. on all types of surface and subject to declaration adopted 15-Jul-2009 [31308]
- Order on the ban on the use of certain biocidal products adopted 09-Sep-2009 [31574]
- Order relating to the measures for preventing or limiting the introduction of pollutants in underground water adopted 17-Jul-2009 [31249]
- Order relating to the terms of air and water analysis operations in classified installations and standards adopted 07-Jul-2009 [31570]

### Germany

- Act amending several Federal environmental pieces of legislation published 17-Aug-2009 [31372]
- By: Administrative Guideline on electronic report of dangerous waste disposal records published 14-Aug-2009 [31649]
- Revised Act on the Protection from Non-Ionizing Radiation adopted 03-Aug-2009 [28922]
- Revised Nature Protection Act published 06-Aug-2009 [28803]
- Revised Water Act adopted 06-Aug-2009 [28804]

### Ireland

- The European Communities (Greenhouse Gas Emissions Trading) (Aviation) Regulations 2009 adopted 23-Jul-2009 [31457]
- The Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009 adopted 31-Jul-2009 [31122]

### Italy

- Decree details forms of consultation of employees for internal emergency plans in Seveso facilities 29-Sep-2009 [31553]
- Decree details forms of consultation of the population for external emergency plans close to Seveso facilities 29-Sep-2009 [31555]
- Issued a Decree aiming at improving the safety of elevators installed before 1999 17-Aug-2009 [31549]
- Italian Parliament agrees on the return of nuclear power plants 31-Jul-2009 [30733]
- Sanctions up to EUR 150.000 for non compliance with REACH Regulation EC/1907/2006 24-Sep-2009 [28464]
- Urgent amendments to Environmental regulations enter into force to respond to EU infringement procedures 25-Sep-2009 [26082]

### Lithuania

- Governmental Resolution on the Enforcement of the Act on Pollution Tax amended 02-Sep-2009 [31739]
- Order on the list of waste managers, having the right to issue waste certificates amended 16-Sep-2009 [31735]
- Requirements for inclusion of aviation activities in GHG allowance trading scheme approved 04-Sep-2009 [31737]

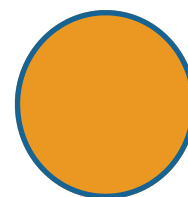
### Luxembourg

- Application form templates for using certain types people lifting equipment published 01-Aug-2009 [31140]
- Transposition of 30th and 31st Adaptation to Technical Progress of the list of dangerous substances in Annex I to Directive 67/548/EEC 22-Jul-2009 [31139]

### Netherlands

- Adopted Amendment to Decision on Emission Trading Rights III 09-Sep-2009 [26782]
- Adopted Decision amending Goods Act Decision on Machines, the Working Conditions Decision and the Goods Act Decision administrative fines 22-Sep-2009 [31713]
- Adopted Rule amending the Rule concerning air quality 2007 10-Aug-2009 [31142]

(Continued on page 14)



## 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 2009, Enhesa has completed the update or development of the following Audit Protocols, bringing the total to 130. These Audit Protocols are now available for only US\$6600.

- |                           |                |                                |
|---------------------------|----------------|--------------------------------|
| - Austria                 | - Ireland      | - United Kingdom - England     |
| - Brazil - Rio de Janeiro | - Morocco      | - United States - Federal      |
| - Chile                   | - Netherlands  | - United States - Texas        |
| - China – Tianjin         | - Norway       | - United States - Pennsylvania |
| - Colombia                | - Pakistan     | - Venezuela                    |
| - Denmark                 | - Romania      |                                |
| - France                  | - Saudi Arabia |                                |
| - India                   | - Singapore    |                                |

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

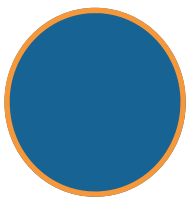
- |                            |                       |                             |
|----------------------------|-----------------------|-----------------------------|
| - Angola                   | - China               | - Sweden                    |
| - Argentina                | - China - Shenzhen    | - Switzerland - Neuchatel   |
| - Argentina - Buenos Aires | - Germany             | - United Kingdom - Scotland |
| - Azerbaijan               | - Gibraltar           | - United Kingdom - Wales    |
| - Brazil - Espiritu Santos | - Mexico - Nuevo Leon | - United States - Utah      |
| - Canada - Saskatchewan    | - Qatar               |                             |

### Do you have an audit in the pipeline but no audit tool as of yet?

#### Looking to share development costs on new protocols?

We have received requests for a number of new Audit Protocols, and are looking for 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 or regions), please get in touch with us for more favourable rates on these Protocols. They include the following:

- |                                     |                     |               |
|-------------------------------------|---------------------|---------------|
| - Bolivia                           | - Ghana             | - Panama      |
| - Botswana                          | - Guatemala         | - Puerto Rico |
| - Cameroon                          | - Israel            | - Serbia      |
| - Canada - British Colombia         | - Jordan            | - Seychelles  |
| - Canada - Manitoba                 | - Kazakhstan        | - Slovakia    |
| - Canada - New Brunswick            | - Kenya             | - Tanzania    |
| - Canada - Nova Scotia              | - Luxembourg        | - Uganda      |
| - China - Guangzhou<br>(city level) | - Mauritius         | - Vietnam     |
| - China - Zhongshan city            | - Mexico - Tabasco  | - Yemen       |
| - Fiji                              | - Mexico - Veracruz | - Zambia      |
| - Gabon                             | - Mozambique        | - Zimbabwe    |
| - Georgia                           | - Northern Ireland  |               |
|                                     | - Oman              |               |



## Enhesa — a growing team

The Enhesa team continues to grow, and in recent months our team has grown to 60 staff members from more than 30 different countries, supported by a network of more than 300 in-country experts. In September and October, new consultants from Belgium, Germany and Thailand joined the Enhesa team.

Enhesa is continuously looking for talent to join its team of dedicated EHS regulatory consultants.

If you are passionate about environmental and health and safety law and would like to help businesses achieve and maintain compliance, visit our website for vacancies and send you application to:  
[recruitment@enhesa.com](mailto:recruitment@enhesa.com)

## Western Europe (continued)

- Amendment adopted to Decision on dual use items 20-Aug-2009 [31157]
- Amendment adopted to Rule further detailing provisions of EC-Regulation EC/1013/2006 on shipments of waste 29-Sep-2009 [31642]
- Amendment of Decision spatial planning concerning electronic availability of spatial plans 01-Sep-2009 [31477]
- Amendment Rule on Subsidies for Environmental Technology adopted 30-Sep-2009 [31622]
- Decision concerning an agreement between traders in plant protection products 10-Jul-2009 [31246]
- Decision concerning establishment of an Independent Advice Committee and Council on Practical Application of Fire Safety Requirements 16-Sep-2009 [31593]
- Decision measures guide values (air quality requirements) adopted 01-Sep-2009 [31476]
- Published report on human-toxicological Maximum Permissible Risk levels for certain substances in soil 28-Jul-2009 [31150]

### Norway

- Regulations amending the Regulations on safety, health and working environment on construction sites have been adopted 03-Aug-2009 [15305]

### Poland

- Act on Managing Greenhouse Gas Emissions and Other Substances adopted 17-Jul-2009 [28213]
- Amendment to the Ordinance on the Format of Reports on Waste Electrical and Electronic Equipment proposed 28-Aug-2009 [30892]
- Amount of the fee rates for use of the environment in 2010 announced 18-Aug-2009 [31609]
- Consolidated text of the Act on Chemical Substances and Mixtures published 27-Aug-2009 [31124]
- New detailed requirements for the marking of packaged goods adopted 20-Jul-2009 [10427]
- New Ordinance on a database of waste electrical and electronic equipment issued 10-Aug-2009 [11084]
- New Ordinance on certification of waste

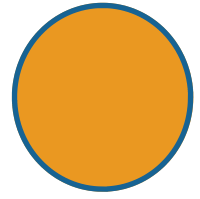
electrical and electronic equipment by treatment facilities issued 16-Jul-2009 [11077]

- New Ordinance on the format for reporting to the National PRTR issued 14-Aug-2009 [29791]
- Ordinance on organization and management of Emergency Information Centers issued 31-Jul-2009 [29786]
- Ordinance on submission to Voivodship Marshal information on substances particularly dangerous for the environment issued 23-Jul-2009 [27701]
- Ordinance on the application for registration of entities putting batteries or accumulators on the market or processing their waste issued 20-Aug-2009 [30572]
- Ordinance on the Classification of Ecological Status, Ecological Potential and Chemical Status of Surface Waters issued 22-Jul-2009 [31158]
- Ordinance on the format of the annual report on the product fee for portable batteries and accumulators issued 17-Sep-2009 [30884]
- Ordinance on the Method of Maintenance of the Registry of Installations and Equipment Including PCB by the authorities issued 23-Jul-2009 [27522]
- Ordinance on the registration fee for entities putting batteries or accumulators on the market or managing their waste issued 02-Sep-2009 [30573]
- Ordinance on the registry number of entities putting batteries or accumulators on the market or processing their waste issued 21-Aug-2009 [30571]
- Ordinance on types of installations covered by the community emissions trading system for the period 2008-2012 issued 27-Jul-2009 [27699]
- Ordinance on Water Supply and Roads for Firefighting issued 24-Jul-2009 [31162]

### Portugal

- Application for authorization to carry out restricted activities in public water reservoirs, lakes and lagoons adopted 10-Sep-2009 [31396]
- Criteria to classify household waste adopted 07-Aug-2009 [31060]
- Decree Law on batteries and accumulators and waste batteries and accumulators amended 29-Sep-2009 [27547]

## Western Europe (continued)



- Decree Law on identification and tracking of explosives adopted 29-Sep-2009 [31474]
  - Decree Law on the management of used cooking oil adopted 29-Sep-2009 [31475]
  - Decree Law on the Shipment of Radioactive Waste and Spent Fuel adopted 26-Aug-2009 [31059]
  - Decree Law on Works Councils adopted 03-Sep-2009 [31256]
  - Decree Law reviewing the legal framework for waste landfills adopted 10-Aug-2009 [31058]
  - Fees to be paid for environmental impact assessment (EIA) revised 18-Sep-2009 [15528]
  - Kiev Protocol of Aarhus Convention on PRTR approved 15-Sep-2009 [31424]
  - Labour Code partially regulated 14-Sep-2009 [31405]
  - Labour Code provisions on work-related accidents and occupational illnesses regulated 04-Sep-2009 [31309]
  - Legal framework for home workers adopted 08-Sep-2009 [31380]
  - Legal framework for the electronic marketplace for waste adopted 03-Sep-2009 [31257]
  - Legal framework on the promotion of health and safety at work adopted 10-Sep-2009 [31395]
  - Ordinance on monitoring of air pollutants rectified 21-Aug-2009 [11134]
  - Reduced fines for environmental offenses adopted 31-Aug-2009 [29547]
  - Regional Legislative Decree overhauling industrial licensing system in the Madeira Autonomic Region adopted 25-Sep-2009 [31456]
- ### Spain
- RID 2009 approved 14-Aug-2009 [31073]
  - Royal Decree regulating waste landfills amended 01-Aug-2009 [31117]
- ### Sweden
- Stricter rule on the safety of toys will be adopted 10-Sep-2009 [30620]
- ### Switzerland
- Ordinance on the transport of dangerous goods by road amended 01-Sep-2009 [31587]
- ### United Kingdom
- 8 Energy Information Regulations amended 23-Sep-2009 [30781]
  - Ecodesign for Energy-Using Products Regulations amended 23-Sep-2009 [30795]
  - The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 25-Aug-2009 [30769]
  - The Climate Change Agreements (Eligible Facilities)(Amendment) Regulations 2009 adopted 06-Sep-2009 [31291]
  - ENG: List of exempted fireplaces in smoke control areas amended 01-Sep-2009 [29171]
  - NI: Amendments the Health and Safety at Work (Northern Ireland) Order 1978 adopted 19-Aug-2009 [16385]

## Lean and green

### Enhesa attends London IEMA conference

On 22 September 2009, Enhesa exhibited at the Institute of Environmental Management and Assessment (IEMA) Annual Conference, held at Central Hall, Westminster, London.

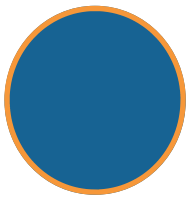
The Conference was entitled "Lean and Green: How Environmental Practitioners can help Business Survive and Thrive". Speakers included Jonathon Porritt, a leading environmentalist and author, and the Rt Hon. Lord Jenkin of Roding, vice president of the Local Government Association.

Enhesa consultants Tjeerd Hendel-Blackford and Laura Smith were on hand to speak with delegates about Enhesa's ser-

vices and we could help them ensure compliance with international environmental (and health and safety) laws. The conference was well attended, with approximately 400 delegates from across industry, academia and government.

As is customary at these events, we used a deluxe box of Belgian chocolates (freshly imported from our head office) to entice people to leave their business cards and to sign up for the Enhesa Flash. Needless to say, this was a great success.

The conference program and copies of the speeches can be obtained on-line at: <http://www.iema.net/conferences/iemaconference>



## Western Europe (continued)

(Continued from page 15)

- NI: Environmental Liability Regulations adopted 24-Jul-2009 [31285]
- NI: Manufacture and Storage of Explosives Regulations amended 07-Aug-2009 [31284]
- NI: New Groundwater Regulations adopted 10-Aug-2009 [31287]
- NI: Regulation on fireplaces exempt from the requirements of Smoke Control Areas amended 10-Aug-2009 [31288]
- SCOT: Renewables Obligation (Scotland) Order 2009 amended 14-Jul-2009 [29607]
- SCOT: Scottish Climate Change Act adopted 04-Aug-2009 [28261]
- UK: The Offshore Installations (Safety Zones) (No.2) Order 2009 adopted 19-Aug-2009 [30452]

**Enhesa Audit Protocols and ScoreCards available for all Canadian provinces**



Enhesa is expanding its Audit Protocol coverage in Canada. We currently offer up-to-date EHS Audit Protocols for the provinces of Ontario, Alberta and Quebec, and now, in keeping with our commitment to offer the widest coverage worldwide for top quality Audit Protocols, we will be extending our scope to cover the rest of Canada by mid 2010. First up will be Nova Scotia, British Columbia and Saskatchewan to be available by the end of 2009. Subsequently, Newfoundland, New Brunswick, Manitoba and Prince Edward Island are expected to be completed by the middle of 2010.

If you are interested in an Audit Protocol for any of the Canadian provinces please contact us at [protocols@enhesa.com](mailto:protocols@enhesa.com) or give us a call at either the Brussels or Washington office.

## Inaugural international dinner

*Enhesa's Washington DC presence continues to grow*

On 5 October 2009, Enhesa's Washington, DC, office hosted its annual international dinner. Enhesa employees, friends and family members shared eclectic culinary delights from across the globe, representing the cultures of those working at the Enhesa DC office. Food included chin chin from Nigeria, three Greek items – pastitio, melitzanosalata and tzatziki, lotus leaf wraps from China, eggplant parmesan of Italy, bubbe's parve apple cake of Jewish American origin, feijoada from Brazil, butter chicken of India and a collection of French wines and cheeses.

The event also featured interesting North American regional cuisine. Of particular note was the Buckeye of Ohio, a desert consisting of chocolate and peanut butter. North America was also represented with maple cookies from Canada and hush puppies from the American South.

The event allowed Enhesa employees, friends and family an opportunity to meet and get to know one another, especially in light of recent staff additions to the DC office. With 17 staff members, Enhesa's Washington DC office has grown significantly over the last 18 months.

## North America

### Canada

- An Act to Amend the Energy Efficiency Act enters into force 21-Sep-2009 [29581]
- Final screening assessment documents published on Batch 4 Challenge substances specified on the Domestic Substances List 01-Aug-2009 [28454]
- Notice with respect to Batch 11 Challenge substances published 26-Sep-2009 [31600]
- Orders amending the Domestic Substances List and the Non-domestic Substances List adopted 16-Sep-2009 [31201]
- Significant New Activity Notice No. 15414 adopted regarding oleic acid, compound with alkaneamine 22-Aug-2009 [31204]
- Significant New Activity Notice No. 15513 adopted regarding tungsten carbide (W2C), CAS No. 12070-13-2 05-Sep-2009 [31598]
- Significant New Activity Notice No. EAU-455a adopted to amend Significant New Activity Notice No. EAU-455 regarding benzoic acid, CAS No. 190085-41-7 22-Aug-2009 [31205]
- Quebec: Regulation on declaration of water withdrawals adopted 12-Aug-2009 [31155]
- ALBERTA: Adopted amendments prohibiting the use of certain pesticides 21-Jul-2009 [31160]

(Continued on page 17)

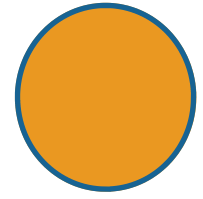
## North America (continued)

(Continued from page 16)

### United States

- Adopted revision to acetylene standard 11-Aug-2009 [31282]
- Adoption of revision to Phase 2 implementation rule for the 1997 8-hour ozone national ambient air quality standard 11-Aug-2009 [26836]
- Approved alternative test procedures for the analysis of contaminants under the Safe Drinking Water Act 03-Aug-2009 [31182]
- CPSC adopts exemptions for classes of materials used as components in children's products from lead testing requirement 19-Aug-2009 [31299]
- CPSC issued interim final interpretative rule on civil penalty factors 01-Sep-2009 [31362]
- CPSC issues final rule designating tests to determine when a lead-containing part in a children's product is inaccessible 07-Aug-2009 [31300]
- EPA adopts mandatory greenhouse gas reporting rule 22-Sep-2009 [29244]
- EPA adopts significant new use rules for 12 chemical substances 02-Oct-2009 [31529]
- EPA issues final rule extending administrative stay of the grandfathering rule for PSD permit applications, pursuant to reconsideration 22-Sep-2009 [26514]
- EPA issues revisions of Energy Star label specifications for televisions 03-Sep-2009 [31545]
- EPA updates TSCA master file to include 530 chemicals as non-confidential that were previously confidential 28-Jul-2009 [31398]
- EPA withdraws 2 significant new use rules for carbon nanotubes from the recently adopted significant new use rules for 23 substances 24-Aug-2009 [30555]
- Expanded list of acceptable substitutes for ozone-depleting substances issued 30-Sep-2009 [31544]
- Guidance document on PCBs in building caulk issued 15-Sep-2009 [31548]
- Notice issued that federal waste exclusion for CRTs does not pre-empt state requirements 10-Sep-2009 [31505]
- NSR requirements for fugitive emissions administratively stayed 30-Sep-2009 [28223]
- OIG report issued calling for accelerated adoption on numeric nutrient water quality standards 26-Aug-2009 [31363]
- Proposed additions to the list of products requiring federal contractor certification as to forced/indentured child labor 11-Sep-2009 [31518]
- CALIFORNIA: 19 substances added to Proposition 65 List as a result of court order; 11 remain under consideration 07-Aug-2009 [30380]
- CALIFORNIA: Adopted amendments to give Safe Use Determinations greater effect under Proposition 65 regulations 07-Aug-2009 [26639]
- CALIFORNIA: Adopted emergency regulations that allow for the storage of bio-diesel in USTs, and corresponding proposal to make them permanent 14-Aug-2009 [30383]
- CALIFORNIA: Adopted revisions on use of high visibility apparel 07-Aug-2009 [27145]
- CALIFORNIA: Amended requirements regarding availability of medical services for all worksites 11-Sep-2009 [28630]
- CALIFORNIA: Amended safety requirements for riding on rolling scaffolding 14-Aug-2009 [28616]
- CALIFORNIA: Legislation abolishes the California Integrated Waste Management Board and reorganizes waste management authority 28-Jul-2009 [31340]
- CALIFORNIA: New general permit for stormwater discharges associated with construction activities 02-Sep-2009 [31725]
- CALIFORNIA: Revision to standards for foot protection, vertical tandem lifts, and accreditation of entities that certify crane operators 07-Aug-2009 [29541]
- DELAWARE: Final amendment of Air Regulations to align definition of Volatile Organic Compound (VOC) with federal EPA 14-Aug-2009 [31402]
- ILLINOIS: Legislation indicates state's efforts to further regulate the disposal of pharmaceuticals and personal care products 04-Aug-2009 [29553]
- ILLINOIS: Adopted emergency regulations to update Energy Conservation

(Continued on page 18)



### Over 130 EHS Country Profiles available

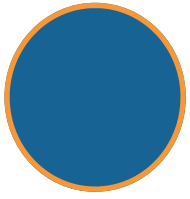
Enhesa's array of EHS Country Profiles is continually growing. To date we have Country Profiles for more than 130 countries. Enhesa has recently developed or updated comprehensive EHS Country Profiles for the following countries:

- Hungary
- Philippines
- Australia – Victoria
- South Africa
- Thailand
- South Korea
- Taiwan
- Indonesia
- United States - Federal
- Italy
- Malaysia
- Denmark
- Brazil
- Belgium - Flanders
- Belgium - Wallonia
- Belgium - Brussels
- Venezuela
- Mexico
- Japan
- Spain
- Singapore
- Slovenia
- Dominican Republic

We are also in the process of developing or updating the following Profiles:

- Ukraine
- Algeria
- Romania
- Israel
- Columbia
- Chile

To find out about purchasing any of these, or having a tailor-made EHS Country Profile drafted for your specific operations, please contact us at +32 2 775 97 97 or email us at [profiles@enhesa.com](mailto:profiles@enhesa.com).



## North America (continued)

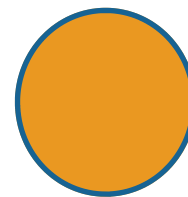
(Continued from page 17)

- Code to reference current international standards 04-Sep-2009 [31604]
- ILLINOIS: Adopted rules for nitrogen oxide emissions from stationary reciprocating internal combustion engines and turbines 21-Aug-2009 [27716]
- ILLINOIS: Amended permit fees for installing or extending sewers and industrial wastewater systems 07-Aug-2009 [28846]
- ILLINOIS: Updated gas transportation regulations to current federal standards 28-Aug-2009 [29288]
- INDIANA: Updated state electric code to comply with current NFPA standards 26-Aug-2009 [29576]
- INDIANA: Adopted federal requirements relating to secondary containment and financial responsibility for USTs 02-Sep-2009 [14299]
- INDIANA: Finalized amendments to incorporate by reference federal regulations for RCRA standardized hazardous waste permits 20-Sep-2009 [26160]
- MAINE: List of chemicals hazardous to human health issued 19-Jul-2009 [31675]
- MASSACHUSETTS: Adopted revisions to the Groundwater Discharge Permit Program regulations 04-Sep-2009 [17188]
- MASSACHUSETTS: DEP issues final rule for mercury-added product regulations 01-Aug-2009 [27817]
- MICHIGAN: Adopted standards to protect employees from overexposure to ionizing radiation in the workplace 17-Aug-2009 [31170]
- MICHIGAN: Passage of bill delaying expiration of water discharge fees 01-Oct-2009 [31530]
- NEW JERSEY: Adopted amendments strengthening enforcement provisions of the Freshwater Wetlands Protection Act Rules 17-Jul-2009 [31175]
- NEW YORK: Adopted incentives for employers that implement a voluntary workplace safety and loss prevention program 02-Sep-2009 [30157]
- TENNESSEE Construction and annual emission fee rules amended to allow refunds for overpayment 13-Jul-2009 [31076]
- TENNESSEE: Amended Environmental Protection Fund Fees, adopting current emergency rules 09-Sep-2009 [31682]
- TENNESSEE: Amended Regulations on Subsurface Sewage Disposal System Fees 09-Sep-2009 [31681]
- TENNESSEE: Amended Subsurface Sewage Disposal Systems Regulations to include Advanced Treatment Systems (ATS) and Drip Disposal (DD) technologies 29-Aug-2009 [31683]
- TENNESSEE: Promulgates housekeeping rules on petroleum underground storage tanks 19-Aug-2009 [31237]
- TENNESSEE: Updated adoption of federal NOx Ozone Season Trading Program; rolled large industrial boilers into program 06-Jul-2009 [31239]
- TEXAS: Adopted rulemaking repealing nine permits by rule 12-Aug-2009 [31185]
- TEXAS: Adoption of amendment increasing pipeline inspection fee 18-Sep-2009 [31552]
- VIRGINIA: Amended VPDES Permit Regulations, requiring notice and hearings for land acreage application increases 50% or over 11-Aug-2009 [31302]
- VIRGINIA: Updated adoption of federal rules on reverse signal operation; promulgated additional provisions 17-Aug-2009 [29099]
- WASHINGTON: Adopted amendments to wastewater discharge permit fees 28-Sep-2009 [31543]

Check out the new **Enhesa Blog** for frequent updates on interesting EHS related news, information about Enhesa's services, and more at <http://enhesa.wordpress.com>

## Expanding pollution release reporting

### Pollutant emissions reporting and implications for greenhouse gas emissions



(Continued from page 1)

The chart below outlines basic information regarding several pollutant emission programs with key reporting requirements.

	United States Toxic Release In- ventory (TRI)	EU European Pollu- tant Release and Transfer Regis- ter (PRTR)	Canada National Pollutant Release Inven- tory (NPRI)	Australia National Pollutant Inventory (NPI)
<b>Date Effective</b>	17 October 1986	18 January 2006	31 March 2000	1 July 1998
<b>Authorizing Legislation/ Decision</b>	Emergency Planning and Community Right-to-Know Act	Council Decision 2006/61/EC of 2 December 2005	Part 3, Section 46 of the Canadian Environmental Protection Act, 1999	National Environment Protection Measure
<b>Parameters Monitored</b>	Pollutant releases to air, water and land and transfers of waste	Pollutant releases to air, water and land and transfers of waste	Pollutant releases to air, water and land and transfers of waste	Pollutant releases to air, water and land and transfers of waste
<b>Chemicals Required to Report</b>	581 individually listed chemicals and 30 chemical categories	91 pollutants	347 substances	93 toxic substances
<b>Number of Facilities Reporting</b>	21,996 in 2007	12,000 in 2004	8,500 in 2007	4,116 in 2007
<b>Pollutant Emissions Collection and Reporting Responsibilities</b>	U.S. Environmental Protection Agency (EPA) and the States are required to annually collect data on releases and transfers of certain toxic chemicals from industrial facilities. U.S. EPA is required to establish and maintain in a computer database a national toxic chemical inventory based on data submitted accessible to the public.	Member States are required to annually report the pollutant emission information obtained from each facility and then report the information collected to the Commission of the European Communities. The European Commission is required to make this data publicly accessible on the internet.	Owners and operators of facilities are required to annually report data on pollutant emissions and transfers to Environment Canada. The Canadian Minister of the Environment is required to publish the pollutant release information submitted.	Participating States or Territories are required to annually collect emission and transfer data and supporting data from occupiers of reporting facilities and develop or cause to be developed, aggregated emission and transfer data and provide this data to the Commonwealth. The Commonwealth is required to ensure that information is available free to the public via the internet, libraries, and/or community organizations.
<b>Information Verification Procedure</b>	No explicit provisions	Every three years, the European Commission is required to evaluate the reporting process focusing on the evaluation of the data collection and reporting process.	Following the annual reporting deadline, Environment Canada staff members review reported data for suspected inaccuracies.	The Commonwealth is authorized to require the assessment of the integrity of reported emissions and each participating State or Territory is authorized to conduct assessments of integrity of reporting emission and transfer data.

Countries implementing pollutant emissions reporting programs include the United States, Canada, Australia and Member States of the European Union. The following pollutant emission reporting programs are just a few examples of programs currently implemented:

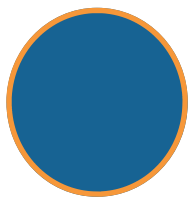
- Australia: National Pollutant Inventory (NPI)
- Canada: National Pollutant Release Inventory (NPRI)
- Europe: European Pollutant Release and Transfer Register (European PRTR)
- United States: Toxic Release Inventory (TRI)

While these pollutant emissions reporting programs are similar, there are also key differences such as the method to verify pollutant emissions reported by a facility, the types of facilities required to report, pollutant emissions thresholds triggering reporting

(Continued on page 20)

# Expanding pollution release reporting

*Pollutant emissions reporting and implications for greenhouse gas emissions*



## 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).

*(Continued from page 19)*

requirements and the types of pollutants that an affected facility is required to report. Pollutant emissions reporting requirements can vary depending on what country a facility is located in. For example, while there are no explicit provisions in the United States' TRI program regarding verification procedures for emissions information, there are verification procedures for pollutant emissions reporting programs for Member States of the European Union, Australia and Canada. Given that pollutant emission eligibility and reporting requirements can vary depending upon a facility's location, it is critical for a company to know what pollutant emissions reporting requirements apply to a facility based on the facility's location.

### **Climate change concerns are leading to expanded reporting requirements**

Over the years concerns regarding climate change have increased. In response, countries are exploring how to efficiently obtain information about the quantity of greenhouse gases (GHGs) released into the environment and implement policies that address climate change. Many countries, trying to determine how to implement a GHG emissions reporting program, are faced with the decision of whether to include GHG emissions within existing pollutant emissions reporting programs or whether GHG emissions will require a separate reporting program. Despite the implementation issues surrounding GHG emissions reporting programs, countries have decided that knowing the quantity of GHGs emitted by a facility into the environment is a critical step in addressing climate change.

Some countries, namely Member States in the European Union, already require the reporting of GHGs, which include carbon dioxide (CO<sub>2</sub>), nitrous oxide, methane, chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), hydrochlorofluorocarbons (HCFCs) and perfluorocarbon (PFCs). In Australia, while the reporting of GHG was originally incorporated into the NPI, the National Greenhouse and Energy Reporting Act 2007 (NGER) established requirements for a facility to report GHG emissions. As NGER is implemented, GHG reporting requirements have been removed from the NPI. Under NGER, a facility is required to report CO<sub>2</sub>, nitrous oxide and methane. The reporting of PFCs is voluntary. In the United States, under the TRI program, facilities are required to report certain GHG emissions excluding CO<sub>2</sub>, methane, and nitrous oxide. Canada is phasing in requirements to report GHG emissions into the NPRI and continues to develop a single harmonized system for reporting of all air pollutant emis-

sions, including GHGs. On 22 September 2009, the U.S. Environmental Protection Agency (EPA) finalized a GHG reporting rule that requires fossil fuel and industrial GHG suppliers, motor vehicle and engine manufacturers, and facilities that emit 25,000 metric tons or more of CO<sub>2</sub> equivalent per year to annually report GHG emissions data to the EPA. Under the finalized rule, annual reports, covering the calendar year 2010, are required to be submitted in 2011. Additionally, several states, such as Massachusetts, require reporting of GHG emissions.

### **Emissions reporting might have broader impacts on a company**

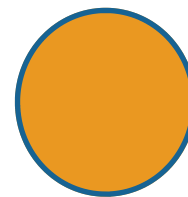
As countries explore how to address climate change, information submitted under a GHG emission reporting program may impact a company by serving as a baseline for further regulation. The quantity of GHGs emitted may serve as a basis of a GHG tax. Various countries, including member states of the European Union and Canada have explored the possibility of implementing a tax based on the quantity of GHGs emitted by a facility. Notably, France, Sweden and Finland have adopted legislation levying a tax on the amount of carbon emitted. Additionally, some states, provinces, and municipalities have also taken steps to implement a tax on GHGs emitted by a facility. In November 2006, Boulder, Colorado became the first municipality to charge a carbon tax on residents and businesses based on electricity usage. On 1 July 2008, the Canadian province of British Columbia was the first in North America to institute a comprehensive tax on carbon emitted by fuels such as gasoline, diesel, natural gas, coal, propane, and home heating fuel.

The quantity of reported GHGs emissions may also affect the allocation of emission credits under a GHG trading program such as the European Union Greenhouse Gas Emission Trading System, the U.S. cap-and-trade program proposed in the American Clean Energy and Security Act passed in the House of Representatives on 26 June 2009, or the proposed Australian Carbon Pollution Reduction Scheme. The GHG emissions information submitted may also impact the public perception of a facility, potentially affecting the ability of the facility to operate. For example, a company that is perceived as a major polluter may find itself under more scrutiny from environmental agencies as the company attempts to acquire or renew operating permits or licenses for its facilities.

**Jonathan Nwagbaraocha**  
Enhesa Consultant

# The UNASUR treaty and EHS

*Towards an integrated regional approach in South America*



The regional approach to environmental, health and safety (EHS) matters has become a growing trend among companies. The signature of the Treaty establishing the Union of South American Nations (UNASUR) on 23 May 2008 rings the bell for companies operating in South America, as it creates a harmonized and integrated economic system impacting states and shareholders. Although UNASUR has not entered into force yet, some of the twelve signing countries have already implemented local EHS measures. Nevertheless, UNASUR faces a series of political difficulties and other obstacles that hinder its implementation. The repercussions that UNASUR might have on EHS remain uncertain; however, the current EHS developments in South American countries can shed light on the regulatory effects that, if adopted, UNASUR's enforcement could trigger.

The UNASUR treaty signed in Brasilia, Brazil on 23 May 2008, is a legal instrument integrating the former countries of the Andean Community of Nations (Comunidad Andina de Naciones-CAN), the Southern Common Market (Mercado Común del Sur - MERCOSUR) and Chile, together with Guyana and Suriname. As an entity with international legal personality, UNASUR aims at prioritizing political dialogue, social policies, education, energy, infrastructure, financing and the environment, with a view to eliminating socio-economic inequality in South America. The bodies of UNASUR as well as its objectives mirror the European Union organization. Indeed, the early negotiations about UNASUR considered the adoption of the communitarian European model and the enhancement of the existing legislation of the CAN and MERCOSUR. According to Article 26 of the Treaty, UNASUR will enter into force thirty days after the date of receipt of the 9th instrument of ratification. So far, only Venezuela, Ecuador and Bolivia have ratified the Treaty.

## **South American countries adopting uneven EHS regulations**

Parallel to UNASUR formation, some South American countries have proposed and adopted EHS measures. Countries like Chile, Ecuador and Bolivia, have redefined their institutional structure, and created EHS authorities provided with defined competences and efficient enforcement instruments. Likewise, Colombia, Argentina and Peru have launched systems of EHS compliance monitoring, through the strengthening of environmental sanctions, mandatory insurance policies against environmental damage, registries of EHS infringers, and new

systems on public environmental complaints.

The approach of South American states to EHS matters resembles different international, foreign and local tendencies. For instance, Directive 2002/96/EC on waste electrical and electronic equipment (WEEE Directive) has served as a model to proposed regulations on WEEE take-back management plans in Argentina, Peru, Colombia, Venezuela and Uruguay. However, only a few countries have proposed the restriction of the use of certain hazardous substances in electrical and electronic equipment (as in the European Directive 2002/95/EC 'RoHS Directive'), and some others, like Brazil, have pioneered regulations on maximum heavy metal content for batteries and accumulators.

Concerning international EHS issues, some South American nations have started to harmonize with global tendencies. Notably, Brazil has partially implemented the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), whilst, sub-regional entities like CAN and MERCOSUR have tried to implement GHS by adopting United Nations recommendations, codes and guidelines on the international transport of dangerous goods. Regarding global warming, South American nations have been individually working on the adoption of legal instruments to tackle climate change challenges, such as frame laws, national policies, new environmental authorities, or new regulations on Clean Development Mechanisms procedures as observed in Colombia, Peru and Ecuador, among others.

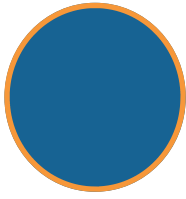
Yet, the deep differences on sustainable development among South American countries create a broad gap in EHS regulations in the region. In addition, issues like the aerial herbicide spraying case between Ecuador and Colombia, the boundaries case confronting Peru and Chile, and the settlement of U.S. military bases in the region appear to hinder the integration process. The lack of political consensus on the implementation of UNASUR, and the complex policy-making system that resulted, have led to some skepticism on how a communitarian system will be able to embrace and deal with topics deserving immediate action. Despite these obstacles facing UNASUR, the treaty has been already ratified in three States out of twelve.

Once the nine instruments of ratification have been adopted, UNASUR will be in force, making a harmonized and integrated

*(Continued on page 22)*

## **UNASUR Member States**

Argentina  
Bolivia  
Brazil  
Chile  
Colombia  
Ecuador  
Guyana  
Paraguay  
Peru  
Suriname  
Uruguay  
Venezuela



# The UNASUR treaty and EHS

*Towards an integrated regional approach in South America*

*(Continued from page 21)*

South American EHS system achievable. Companies operating in any of the 12 UNASUR countries should follow the outcome of this process, as it may lead to region-wide regulatory changes impacting on companies' operations. An awareness of the EHS measures already adopted in South American countries may help companies deal with the uncertainty that UNASUR's implementation brings along. The implications of the UN-

ASUR treaty should be considered an important part of a regional approach to EHS matters. Enhesa will be monitoring the progress of the UNASUR treaty and will continue to keep clients informed of the latest EHS developments in South America.

**Daniel Rincón**

EHS Regulatory Consultant – Latin America

## Measure your compliance performance

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

Enhesa develops ScoreCards 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 for further details. [protocols@enhesa.com](mailto:protocols@enhesa.com)

## Enhesa Services

<b>Enhesa Flash</b>	• 20-24 pages with titles of new regulations - free - every two months
<b>Enhesa Update</b>	• 50-100 pages with titles and abstracts of new and proposed regulations EUR 7,000 a year for a corporate subscription - delivered on a monthly basis.
<b>EEE Compliance</b>	• Environmental regulatory compliance for electrical and electronic equipment (EEE). Monthly reports tailored to business, focused on regulations specific to electrical and electronic products, at an annual cost of EUR 5,000.
<b>Monitoring Reports</b>	• Tailored to your unique business needs, with detailed analyses of how new and proposed regulations will affect specific operations in each country of operation. Monthly reports with a tailored analysis of each development and a breakdown of what must be done to stay in compliance. Pricing starts from EUR 2,500 per country per year.

## Central & South America

### Argentina

- BUENOS AIRES PROVINCE: Regulation on consumption, marketing, distribution and handling of tobacco and/or its derivatives adopted 16-Sep-2009 [28005]
- BUENOS AIRES: Activities required to have insurance for environmental damage established 15-Sep-2009 [31461]
- Deadline for vehicles engines manufactured and marketed in Argentina to comply with Directive 1998/69/EC related to emissions limits extended 19-Aug-2009 [31132]
- Required sign for plastic bags adopted 16-Sep-2009 [31460]
- Resolution 772 approving the structure of the Superintendence of labor risks adopted 13-Aug-2009 [30786]
- Rules for the submission of information on facilities participating in the rehabilitation program for facilities with a high ac-

cident rate adopted 16-Sep-2009 [31458]

- Safety requirements for low voltage electrical equipment adopted 07-Aug-2009 [31137]

### Brazil

- Administrative procedures for the authorization of activities with potential to affect conservation areas adopted 02-Sep-2009 [31469]
- Climate Change Panel composition and competences reviewed 25-Sep-2009 [29900]
- Environmental Impact Reports to include a chapter on the use of cleaner technologies 07-Aug-2009 [31054]
- Information on equipment noise power to be expressed in watts RMS 21-Sep-2009 [31466]
- List of users authorized to abstract water

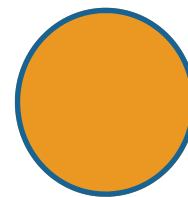
*(Continued on page 23)*

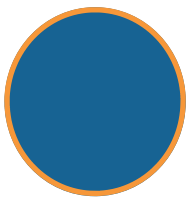
## Central & South America (continued)

(Continued from page 22)

- and/or discharge wastewater in the hydrographic basin of river Paraíba do Sul published 17-Aug-2009 [31095]
- Regulation on the use of plastic containers for bottled spring water revised 21-Sep-2009 [27407]
  - Resolution CONAMA on phase L-6 of the Air Pollution Control Program for Vehicles (PROCONVE) adopted 24-Sep-2009 [31765]
  - Reviewed CONAMA Resolution on the environmentally sound disposal of tires adopted 30-Sep-2009 [26351]
  - Rio de Janeiro: Determined mechanisms and criteria to regulate consolidated debts for water use 14-Sep-2009 [31780]
  - Social security regulation amended 09-Sep-2009 [31464]
  - Standard partially implementing the Harmonized System of Classification and Labelling of Chemicals (GHS) in Brazil entered into force 26-Aug-2009 [31763]
  - Use of products containing asbestos prohibited to the Ministry of Health 21-Jul-2009 [30761]
  - Working group to prepare the first national inventory of emissions from vehicles established 22-Sep-2009 [31467]
  - Work-related accidents index used for the FAP calculation published 25-Sep-2009 [31778]
  - Rio de Janeiro: Instituted an Integrated Health, Safety, and Environmental Management Certificate 28-Aug-2009 [31779]
  - Rio de Janeiro: Law 5.185 on the use of syringes in hospitals and clinics amended 02-Sep-2009 [31428]
  - Rio de Janeiro: Law on the disposal of used or contaminated lubricating oils and motor oil filters and the distribution of lubricating oils adopted 17-Sep-2009 [31436]
  - Rio de Janeiro: Smoking ban in closed and partially closed areas adopted 17-Aug-2009 [29973]
  - Rio de Janeiro: State fund for energy efficiency established 10-Sep-2009 [31427]
  - São Paulo: Decree 54.645 on solid waste adopted 05-Aug-2009 [31053]
  - São Paulo: Designated members of the Technical Group to study the Annual Solid Waste Reporting System 08-Sep-2009 [31781]
  - Sao Paulo: Regions to control air quality (RCQA) classified regarding the concentration of air pollutants 18-Aug-2009 [16355]
- ### Chile
- Activities involving the use of asbestos require prior authorization 08-Aug-2009 [31230]
  - Decree on stations for atmospheric emissions measurement modified 10-Sep-2009 [31592]
- ### Colombia
- Environmental authorities were required to increase controls on medical waste 27-Aug-2009 [31250]
  - Regulation on the procedures to punish infringers of solid waste provisions issued 30-Sep-2009 [31512]
- ### Costa Rica
- Guidance for the transport of dangerous goods in case of emergencies adopted 23-Sep-2009 [31472]
- ### Mexico
- Mexican Official Standard NOM-014-CONAGUA-2003 establishing requirements for the artificial groundwater recharge with treated wastewater adopted 18-Aug-2009 [31211]
  - Mexican Official Standard NOM-015-CONAGUA-2007 establishing requirements for artificial infiltration of rain water into the aquifers adopted 18-Aug-2009 [31212]
  - NOM-010-SCT2/2009 establishing provisions for the storage and transport of hazardous substances, materials and waste adopted 01-Sep-2009 [29197]
  - NOM-028-NUCL-2009 for the management of radioactive waste in radioactive installations using open sources adopted 04-Aug-2009 [31209]
  - NOM-244-SSA1-2008 regulating equipment and substances for treatment of drinking water for domestic use adopted 04-Sep-2009 [31450]
  - Regulation on renewable energy and the financing of energy transition adopted 02-Sep-2009 [30674]
- ### Panama
- Decree regulating environmental impact assessment adopted 18-Aug-2009 [31048]

(Continued on page 24)





## Central & South America

(Continued from page 23)

- Resolution establishing voluntary agreements on clean production adopted 13-Aug-2009 [30889]

### Peru

- Deadline to renew Drivers License extended 06-Aug-2009 [31166]
- Decree No 034-2009 Maximum levels of non-ionizing radiation allowed for radio transmission plants adopted 26-Aug-2009 [31171]
- Decree on Environmental Impact Assessment System adopted 30-Sep-2009 [27582]
- Procedure for import of non-hazardous waste modified 26-Sep-2009 [31528]
- Procedure for provisional driver's permit approved 24-Sep-2009 [31561]
- Regulation on integrity of underground tanks and pipelines issued 09-Sep-2009 [31532]

### Uruguay

- Decree 354/009 that approves new

sources of renewable energy approved 12-Aug-2009 [31050]

- Decree 395/009 regulating energy efficiency labeling for fluorescent compact lamps repealed 30-Sep-2009 [31225]
- Draft Law to promote energy efficiency proposed 12-Aug-2009 [31052]
- Safety requirements for low voltage electrical equipment adopted 22-Sep-2009 [31051]

### Venezuela

- Law approving the Convention on Protection of Disabled people adopted 06-Aug-2009 [31220]
- Norms and procedures to control companies manufacturing storing, importing, exporting marketing or using explosives or chemical substances adopted 27-Aug-2009 [31223]
- Norms and procedures to control storage of explosive materials adopted 27-Aug-2009 [31226]

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)

### Do you want to be fully informed on changing EHS regulations? And how they impact your business?

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in August and September 2009. For more details, you can consult the **Enhesa Update** which provides 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 7,000 EUR per year.
- If you want to ensure that you receive all the information you need, the **Enhesa Regulatory Monitoring Service** could be the perfect solution for you. This service provides a summary of all relevant and applicable regulatory EHS developments (policies, laws, regulations, proposals, 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 35,000 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.

## Enhesa Webinar Program

The Enhesa webinar series focuses on EHS topics important to EHS Directors involved with global compliance assurance. Webinars are designed to provide you information that you can use to enhance your own knowledge and your company's environmental programs

If you would like to receive an invitation to our free webinars, please email Maria Panteris at [mp@enhesa.com](mailto:mp@enhesa.com).

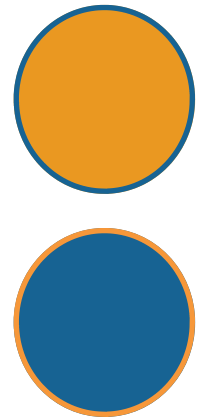
### Upcoming Webinars

- **Global Pollutant Emissions & Greenhouse Gas Reporting Programs**  
Complexity and Cost Implications  
Dates: 10 November 2009 and 12 November 2009
- **EHS Forecast 2010**  
What are the latest EHS trends and what will change in 2010?  
December 2009
- **Endocrine Disrupting Chemicals**  
Spotlight on leading legislation in Canada with summary of other legislation globally  
January 2010
- **Latin America EHS Update**  
Overview of main changes in the region  
February 2010
- **Sustainability Reporting - It's the Law**  
Where is sustainability reporting legally required? What are the future developments for regulation?  
April 2010
- **International Water Use Policies Regulatory Issues and Trends**  
Are you ready for increasing water scarcity?  
May 2010

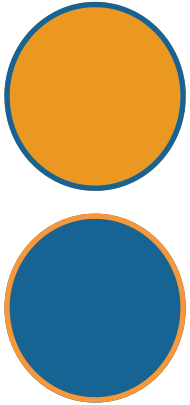
### Previous Webinars

- A Global Round-Up of Regulations on Batteries (January 2009)
- Substances of Very High Concern (SVHC) (April 2009)
- Occupational Exposure Limits – European Harmonization? (June 2009)
- Waste Producer Liability in China (August 2009)
- Auditing in a Troubled Economy (September & October 2009)

For a copy of the presentations or access to the recording of a past webinar, please contact Enhesa at [webinars@enhesa.com](mailto:webinars@enhesa.com).



## Upcoming Events and Presentations



### 1-4 Dec 2009, Pollutec, Paris (France)

- ◆ Enhesa will exhibit at Pollutec and organise two conferences on the Risks and Environmental Management Forum:
- ◆ “Global forecast on environmental legislation” presented by Cécile Baudon, Programme Manager, Tuesday 1 December 2009, 3:45 pm to 4:30 pm
- ◆ “Towards a globalisation of chemical legislations?” presented by Thierry Dumortier, Director, Wednesday 2 December 2009, 3:45 pm to 4:30 pm
- ◆ For further info, please visit [www.pollutec.com](http://www.pollutec.com)

### 9 Dec 2009, Expert Forum on International Chemical Restrictions, ROHS, REACH, EuP, WEEE, Fraunhofer Institut, Stuttgart (Germany)

- ◆ Enhesa Experts will present an update on the latest developments in chemical restrictions worldwide.
- ◆ For further info, please visit <http://www.ipa.fraunhofer.de/index.php?id=793>

### 11-13 Jan 2009, Winter Auditing Roundtable, Phoenix, AZ

- ◆ Enhesa will be exhibiting and attending the Auditing Roundtable.
- ◆ Enhesa will also be chairing the International Interest Group (IIG). We invite feedback from IIG participants topics they would like to take up in this forum. Suggestions can be sent to Paul Beatley at [pcb@enhesa.com](mailto:pcb@enhesa.com).
- ◆ For further info, please visit <http://www.auditing-roundtable.org>

### 24-25 Mar 2010, IOSH 10 Health & Safety: Making the Case, Glasgow (Scotland)

- ◆ Enhesa will exhibit and participate in the conference.
- ◆ For further info, please visit <http://www.ioshconference.co.uk/>

#### Enhesa — Global EHS compliance assurance support to industry

Enhesa is an environmental, health and safety policy and strategy consultancy. Enhesa is based in Brussels and Washington DC, with 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 (EHS).

The **Enhesa Flash** is distributed free of charge.

For subscriptions, please go to <http://www.enhesa.com/service/flash.aspx>

- Washington: Paul Cullen Beatley, Enhesa President  
1411 K Street, Suite 503, NW Washington, DC 20005, USA  
Tel: +1-301-530.13.92, Fax: +1-301-530.12.88
- Brussels: Thierry Dumortier, Enhesa Director  
15 rue du Mail, B-1050 Brussels, Belgium  
Tel: +32-2-775.97.97, Fax: +32-2-775.97.99
- <http://www.enhesa.com> [info@enhesa.com](mailto:info@enhesa.com)



© Enhesa 2009