

# enhesa flash

global ehs compliance assurance

no 20 September 2004 Brussels • Washington • Florence

addressing developments throughout July and August

## Contaminated land in Canada - Legislation enters into force in Ontario

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 50 countries 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. Email us at [enhesa@enhesa.com](mailto:enhesa@enhesa.com).

- Brownfields are a national issue in Canada, with an estimated total of as much as 30 000 of these sites. These abandoned, idle or underutilized commercial or industrial properties where past actions have caused known or suspected environmental contamination, but where there is an active potential for redevelopment, have been on the national agenda for some time, and implementing regulations have recently come into force in Ontario.
- The province of Ontario's response to the brownfields issue was to pass the Brownfields Statute Law Amendment Act in 2001, which inserts two new parts to the Ontario Environmental Protection Act 1990, establishing rules for the cleanup of brownfields. On 19 June 2004 the Record of Site Condition Regulation (O. Reg. 153/04) was passed enabling the bulk of the uncommenced sections of the Brownfields Statute Law Amendment Act, 2001 to come into effect on 1 October 2004. The Regulation will be implemented in two phases - voluntarily completing and filing records to the

*If a facility operates on a historically contaminated site in Ontario it should consider filing a record of site condition to protect itself from environment clean up orders, and to receive the economical benefits it could gain from being able to use a remediated site.*

Environmental Site registry as of 1 October 2004, which will become mandatory in 2005.

- The Amendment intends to provide clarity and certainty to stakeholders, including property owners, land developers, secured creditors, fiduciaries and municipalities, involved in activities related to brownfields, focusing on five key areas

1. Clear rules for the cleanup of contaminated sites;
2. Clear rules for environmental liability;
3. Mechanisms to ensure quality cleanup;
4. Planning tools; and
5. Financing tools.

### Site Registry

- The Amendment provides for the establishment and operation of an Environmental Site Registry (set up by the Regulation) whose purpose will be to allow persons to file records of site condition and to facilitate public access to information

(Continued on page 8)

### Inside this issue:

Contaminated land issues in Canada - Ontario 1

Waste and waste permitting in the Netherlands and elsewhere 7

#### Adopted EHS Regulations:

• Asia-Pacific 2

• South America 3

• Eastern Europe 4

• Western Europe 5

• European Union 6

• North America 9

• Africa 9

Between 6 and 8 October 2004 Enhesa will be exhibiting at **NAEM 2004**, the **12th Annual EHS Management Forum** in Orlando, Florida.

Various sessions will be held addressing a range of environmental, health and safety issues within the overall focus of **EHS**

**Solutions for Today... Directions for the Future**, a topic which fits snugly with the products and services offered by ENHESA.

Of particular interest are sessions addressing regulatory and management systems audits (session 9), how to stay on top of the regulatory scene (session 10) and product end-of-life issues (session 12), among others. The latter particularly with

regard to the issues surrounding the WEEE and RoHS Directives outlined in the last issue of the Flash, and further requirements adopted not only by European Union member states to transpose them, but also by other countries across the globe implementing similar requirements for manufacturers.

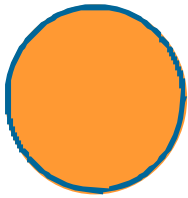
If you will be attending please do come and chat to us. We will be exhibiting at booth 32 and would be happy to hear from you.

More information is available at <http://www.naem.org/>.

**NAEM  
2004**

**12th Annual  
EHS Management  
Forum,  
6 - 8 October  
2004 in Or-  
lando, Florida**





During July and August 2004 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 record in the Update and the Enhesa database.

## Asia Pacific

A new annual **Occupational Health Best Practices (OHBP) award**, will be presented at the **Occupational Health Best Practices Conference/ Workshop** between 19 and 21 October 2004 in Singapore. The award is divided into two categories, namely noise control and chemical control. For each category awards may be given for excellence, merit or innovation. Applications are open to all public and private companies as well as individuals.

Five fatal accidents occurred in the metalworking industry in Singapore between January and August 2004. The Ministry of Manpower has issued a Safety Circular in response to encourage industry to comply with the provisions of the Factories Act and its Regulations, as well as the applicable standards to ensure a safe workplace.

### Australia

- WA: Occupational Safety and Health Regulations amended for managing fatigue in commercial vehicles - 25-Jun-2004 [7235]
- NSW: Gas Supply (Network Safety Management) Regulation amended - 27-Aug-2004 [7469]
- WA: Environmental Protection (Controlled Waste) Regulations 2004 passed - 01-Jul-2004 [7220]
- NSW: Occupational Health and Safety Regulation 2001 amended for electrical work - 20-Aug-2004 [6586]
- Fees and charges increased for new chemicals assessments and company registrations - 01-Jul-2004 [7213]
- Industrial Chemicals (Notification and Assessment) Amendment (Low Regulatory Concern Chemicals) Act 2004 comes into effect - 24-Jun-2004 [7096]
- Victoria: Waste Management Policy (Solid Fuel Heating) Order released - 27-Jul-2004 [7509]
- Occupational Health and Safety (Commonwealth Employment) Act 1991 amended - 16-Aug-2004 [7398]
- NSW: Protection of the Environment Operations (Penalty Notices) Regulation 2004 passed - 27-Aug-2004 [7417]

### China

- Registration of certified safety engineers required - 21-May-2004 [7209]
- License for the transport of dangerous goods required - 30-Apr-2004 [7513]
- Control on investigation and remediation of contaminated sites strengthened - 01-Jun-2004 [7204]
- China moving forward to tackle climate change - 31-May-2004 [7200]
- Catalogue of projects requiring governmental administration approval released - 29-Jun-2004 [7514]
- Safe production license required for construction projects - 05-Jul-2004 [7181]
- Measures on the Control of Pharmaceutical Production adopted - 05-Aug-2004 [7352]

### Hong Kong

- Aprepitant and marbofloxacin and their salts added to the Poisons List - 08-Mar-2004 [6981]
- Construction Workers Registration Ordinance adopted - 08-Jul-2004 [5840]

### India

- Environment (Protection) Second Amendment Rules, 2004 extend date from which certain diesel generators must comply with noise and emission limits - 12-Jul-2004 [7329]
- Notification on Construction Projects requires EIA for more types of projects - 07-Jul-2004 [7331]

### Indonesia

- Cartagena Protocol has been ratified - 16-Jul-2004 [7532]

### Japan

- Inspection on the storage of radioactive isotopes required - 20-Jul-2004 [7234]

### Korea, South

- Control on indoor air quality strengthened - 28-May-2004 [7101]
- Efforts to reduce greenhouse gas emissions strengthened - 30-Dec-2003 [5813]
- Safety control regarding dangerous goods strengthened - 29-May-2003 [4712]
- Further specification on the control of dangerous goods - 29-May-2004 [7103]

### New Zealand

- Pesticides transferred to Hazardous Substances and New Organisms Act regime - 15-Jun-2004 [7306]
- Dangerous goods transferred to the Hazardous Substances and New Organisms Act regime - 26-Mar-2004 [5441]
- Building Act 2004 passed - 12-Aug-2004 [7259]

### Philippines

- Implementing Rules and Regulations adopted on Act prohibiting and penalising the employment of children - 26-Jul-2004 [5003]



## Asia Pacific

- Adopted Orders modifying permitting procedures for air and water control facilities - 25-Aug-2004 [7415]
- Fire Safety Order adopted requiring fire certificates for industrial buildings - 30-Jul-2004 [7328]

### Singapore

- New substances added to list of hazardous substances on Environmental Pollution Control Act - 11-Aug-2004 [7497]
- Fire certificate required for industrial buildings - 10-Sep-2004 [7517]

### Thailand

- Issued limit values of sulphur dioxide in ambient air for factories using fuel oil - 10-May-2004 [7523]

## South America

### Argentina

- Adopted Regulation on safety at work on electrical installations above 1 Kilovolt - 02-Jul-2004 [7300]
- International code of ethic for occupational health professionals adopted - 05-Aug-2004 [7405]

### Brazil

- CONAMA Resolution on construction waste management amended - 07-Jul-2004 [3703]
- Normative Instruction requires registration of users and distributors of ozone-depleting substances - 29-Jun-2004 [7193]

### Chile

- Adopted format for the characterization of industrial wastewater discharges - 02-Jun-2004 [7506]

### Costa Rica

- Mandatory certificate for the use of soil in San Jose - 22-Jun-2004 [7252]
- Approval of procedures for zoning and land use in the municipality of San Jose - 09-Aug-2004 [7413]

### Peru

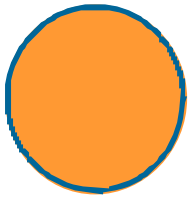
- Law on the Ministry of Labor and Employment Promotion amended - 04-Aug-2004 [4522]
- Technical Norm on the management of used lead-acid accumulators - 17-Jun-2004 [7205]
- Approval of health sectoral plan for emergency and disaster prevention and response - 16-Jun-2004 [7212]
- Regulation on labour inspection and worker protection amended - 23-Jul-2004 [7226]

- Regulation for the enforcement of Law N°27314 on solid waste - 22-Jul-2004 [7238]
- Resolution approving the customs procedure to control restricted and prohibited goods (2nd version) - 28-Jun-2004 [7250]
- Lima: municipal solid waste management Regulation and administrative procedures amended - 26-Jul-2004 [7454]
- Ministerial Resolutions on non-ionizing radiations from the telecommunication sector - 16-Aug-2004 [7460]
- Regulation on the prospecting and exploitation of oil adopted - 18-Aug-2004 [7441]
- Law on natural resources exploitation tax amended - 09-Aug-2004 [7428]
- Law on the control of chemical substances & restricted products - 06-Jul-2004 [7420]
- Regulation on the registration of commercial, maritime and inland waterway transport vessels - 28-Jun-2004 [7264]

### Puerto Rico

- Regulation for the reduction, reuse and recycling of solid waste - 26-May-2004 [7453]
- Regulation on pollution prevention adopted - 01-Jun-2004 [7242]
- Regulation on the administration of the program for R&D on new industrial products & processes - 05-May-2004 [7327]

For more details on any of these developments, you can subscribe to the Update (1000 EUR/year) or register to receive detailed, monitoring reports. For further information visit [http://www.enhesa.com/EN\\_version/newsletter.htm](http://www.enhesa.com/EN_version/newsletter.htm)



## Eastern Europe

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

### Czech Republic

- Decree on the registration of chemical substances was adopted - 02-Jul-2004 [7248]
- Decree establishing detailed conditions for health risk assessment of hazardous chemical substances - 02-Jul-2004 [7255]
- Regulation on detailed requirements to ensure protection of safety and health of work in explosive atmospheres - 02-Jun-2004 [7256]
- Decree on the energy labeling of household appliances - 08-Jul-2004 [7272]
- Decree specifying methods for detection of toxicity of chemical substances and chemical preparations - 16-Jul-2004 [7275]
- Regulation on the review of major accident prevention policies and safety reports - 16-Jun-2004 [7261]

### Poland

- Emissions trading allocation plan released - 20-Aug-2004 [7479]

### Russia

- Federal Agency for Environmental, Technological and Nuclear Control established - 30-Jul-2004 [7406]
- Order on the organization of licensing adopted - 28-May-2004 [7408]
- Federal law on water tax adopted - 28-Jul-2004 [7412]

### Slovakia

- Government Regulation on the minimum safety requirements on construction sites amended - 21-Apr-2004 [7451]
- Act on the public access to environmental information adopted - 12-Mar-2004 [7467]
- Government Regulation on the details of technical requirements on products with respect to electromagnetic compatibility - 15-Apr-2004 [7464]
- New Decree on protection against non-ionizing radiation - 31-Mar-2004 [7463]
- Act on the protection and exploitation of agricultural soil adopted - 10-Mar-2004 [7466]
- Government Regulation listing works prohibited to pregnant women, breast-feeding women and mothers adopted - 21-Apr-2004 [7461]

- New Government Regulation listing activities prohibited to young workers - 21-Apr-2004 [7449]
- New Government Regulation on the technical requirements of electrical equipment designed for use within certain voltage limits - 28-Apr-2004 [7447]
- Government Regulation on the details of the technical requirements and conformity assessment of machinery adopted - 28-Apr-2004 [7446]
- Decree on the scope and frequency of the analysis of wastewater samples adopted - 23-Apr-2004 [7444]
- Regulation on the methods of analysis for checking of the composition of cosmetic products - 02-Jun-2004 [7442]
- New Regulation on the information about fuel economy and CO2 emissions of vehicles - 02-Jun-2004 [7439]
- Chemical substances Act amended - 24-Jun-2004 [7437]
- Waste Act amended - 30-Jun-2004 [7436]
- Act on the Consumer Protection amended - 24-Jun-2004 [7434]
- New Government Regulation on measures protecting the environment against the noise from airplanes - 21-Apr-2004 [7462]
- New Water Act adopted - 13-May-2004 [7440]

### Turkey

- Adopted Regulation on Control of Used Batteries and Accumulators - 31-Aug-2004 [7470]
- Adopted Regulation on Control of Packaging and Packaging Waste - 30-Jul-2004 [7472]

### Greece

- Amendments to Presidential Decree 395/1994 on the safe use of work equipment by workers adopted - 05-Jul-2004 [7510]

# Western Europe



2004  
**Pollutec**

## Austria

- Ordinance on work in explosive atmospheres adopted - 26-Jul-2004 [7403]

## Belgium

- Royal Order on work seats and break seats - 27-Apr-2004 [7358]
- Royal Order concerning certain aspects of night work and shift worker - 16-Jul-2004 [7504]
- Law to prevent violence and moral and sexual harassment at work adopted - 22-Jun-2002 [4750]
- Royal Decision on working clothes - 06-Jul-2004 [7486]
- Royal Decision on marketing and use restrictions for chemicals amended - 18-Jul-2002 [2083]
- Royal Order on medical examinations at work - 04-Jul-2004 [6078]

## Denmark

- Statutory Order related to work with substances and materials amended - 27-May-2004 [7236]
- Amendments to Statutory Order on use of technical aid devices - 29-Jun-2004 [7227]
- Statutory Order on specific duties for producers, suppliers, importers etc. of substances and materials amended - 27-May-2004 [7232]
- Act on product safety amended - 04-Dec-2003 [7219]

## Finland

- Adopted an Act on Emissions Trading - 30-Jul-2004 [6596]
- Adopted a Decree on Emissions Trading - 05-Aug-2004 [7396]
- Decree on monitoring and reporting on carbon dioxide emissions adopted - 11-Aug-2004 [7401]
- Adopted a Decree amending the Decree on Fees Payable to the Environment Agency - 30-Aug-2004 [7404]
- Adopted a Decree amending a Decision on the collection and recovery of waste paper - 23-Jun-2004 [7301]
- Adopted an Act transposing the Århus Convention - 13-Aug-2004 [7421]
- Adopted a Decree on noise assessment and noise management plans - 19-Aug-2004 [7426]
- Adopted an amending Act on environmental crime - 24-Jun-2004 [7283]

- Adopted a Decree on the Prohibitions and Restrictions on Carcinogenic and Mutagenic Substances and Substances Toxic to Reproduction - 01-Jul-2004 [7239]
- Adopted a Decree on Consumer Products and Services Information - 23-Jun-2004 [7241]
- Adopted a Decree amending the Decision on the use and treatment of used tires - 23-Jun-2004 [7295]

## France

- Order laying down technical and safety requirements for the storage of petroleum products - 01-Jul-2004 [6554]
- Decree 2004-924 transposing Directive 2001/45/EC on minimum safety requirements of equipment for working at height. - 01-Sep-2004 [7438]
- Occupational health services reviewed - 28-Jul-2004 [4953]
- Ordinance on greenhouse gas emission trading scheme - 15-Apr-2004 [6804]
- Adopted Decree transposing the Rotterdam Convention on the Prior Informed Consent Procedure (PIC) - 13-Aug-2004 [7452]
- The Stockholm Convention on Persistent Organic Pollutants (POPs) published in France - 13-Aug-2004 [7458]
- Ordinance on general product safety - 09-Jul-2004 [7321]
- Annexes to the Order on restrictions on use and marketing of dangerous substances (CMT) modified - 19-Apr-2001 [1336]
- Decree on chemical substances and preparations - 22-Jul-2004 [7336]
- Order on the transformation of polymer under rubric 2661 of the classified installations legislation - 04-Jun-2004 [7348]

## Germany

- Legislation on national allocation of greenhouse gas emissions adopted - [7290]
- Amendment of Ordinance on workplaces adopted - 12-Aug-2004 [5990]
- Amendments to regulations on ozone adopted - 13-Jul-2004 [4999]
- Ordinance on Major Combustion Plants (13. BImSchV) amended - 20-Jul-2004 [5541]
- Revised Act on Renewable Energy Sources (EEG) entered into force - 21-Jul-2004 [3446]
- Act on greenhouse gas emission trading published - 08-Jul-2004 [6574]

(Continued on page 6)

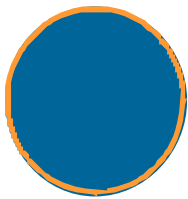
Between 30 November and 3 December 2004 Enhesa will be exhibiting at the **Pollutec 2004** exposition in Lyon, France, an international exhibition of environmental technologies and services.

Enhesa will be presenting the **'Forecast of global EHS regulatory developments of interest to industry'** on 30 November between 11h30 and 12h15 and then again between 13h30 and 14h15 on **Les réglementations environnementales applicables à l'industrie à l'étranger (Amérique, Europe, Asie)**.

If you will also be attending we would be very pleased to meet you.

If you would like to attend but have not yet made arrangements to do so, please feel free to contact us for free tickets at [enhesa@enhesa.com](mailto:enhesa@enhesa.com) or by phone at +32 (0)2 775 97 97.

More information is available at <http://www.pollutec.com/>



## Western Europe

(Continued from page 5)

### Ireland

- Adopted the Waste Management (Licensing) Regulations 2004 - 22-Jun-2004 [7197]
- Adopted the Companies (Auditing and Accounting) Act 2003 - 23-Dec-2004 [7207]
- Adopted the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 - 14-Jul-2004 [7199]
- Adopted the European Communities (Transportable Pressure Equipment) Regulations 2004 - 04-Jun-2004 [7435]
- Personal Injuries Assessment Board Act 2003 - 28-Dec-2003 [6438]

### Italy

- Reorganization of the system for the control of the compliance with labor and social security requirements - 23-Apr-2004 [7377]
- Delayed the entry into force of the new requirements on the organization and training of first aid services - 15-Jul-2003 [3626]
- Adopted Legislative Decree transposing directive 2001/95/EC on the general safety of products - 21-May-2004 [7456]

### Netherlands

- Adopted Decision amending pressure vessels legislation - 22-Jul-2004 [3069]
- Adopted amendments to Working Conditions Rule regarding air circulation in the workplace - 06-Jul-2004 [7317]
- Amended Rule on Subsidies for Environmental Technology - 16-Jul-2004 [1090]
- Adopted Rule and Decision on take-back and recycling of electronic waste - 06-Jul-2004 [1051]
- Adopted amendments to the Facilities and Permits Decision regarding waste management - 15-Jul-2004 [4645]
- Adopted further amendments to chemical labelling requirement - 20-Jul-2004 [1108]

### Norway

- Provisions on the reimbursement of fees on HFCs and PFCs are applicable - 06-Jul-2004 [6303]

### Portugal

- National Climate Change Programme approved - 31-Jul-2004 [7478]Spain
- Amendment to Annex I to Royal Decree 1406/1989 on marketing and use restrictions of certain dangerous substances and preparations - 17-Jun-2004 [7292]
- New restrictions on use of nonylphenol, nonylphenol ethoxylate and cement adopted - 24-Jun-2004 [7427]
- Official forms on effluent discharge permits adopted - 02-Jun-2004 [7393]
- Open competition to finance R&D&i projects on waste and polluted sites recovery - 21-Jul-2004 [7383]
- Modification of the composition of the National Commission of Safety and Health at Work - 02-Jul-2004 [7303]
- Greenhouse gas emission allowance trading scheme - 27-Aug-2004 [7402]

### Switzerland

- Electronic product take back Ordinance amended - 24-Jun-2004 [599]
- Amendment to the Ordinance on Air Pollution Control - 23-Jun-2004 [1642]

### United Kingdom

- The Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004 adopted - 21-Jul-2004 [7273]
- The Controls on Nonylphenol and Nonylphenol Ethoxylate Regulations 2004 adopted - 13-Jul-2004 [7287]
- The Justification of Practices Involving Ionising Radiation Regulations 2004 adopted - 02-Aug-2004 [6529]
- The Energy Information (Household Refrigerators and Freezers) Regulations 2004 adopted - [6311]

### Coming Up

The **Auditing Roundtable** meeting in February 2005 will most likely be held at the **IEMA** offices in London.

The meeting was originally scheduled to be held between 7 and 8 of October 2004 in Vienna but was postponed at the beginning of September. The focus will be on **new challenges for EHS auditors working in the EU**.

## European Union

### European Union

- Notice for 2005 allocation of import quotas for ozone depleting substances issued - 11-Aug-2004 [978]
- Notice for 2005 essential use quota of ozone depleting substances issued - 22-Jul-2004 [7333]
- Public Access to documents of the European Agency for Safety and Health at Work - 04-Mar-2004 [7190]
- Commission Directive amending plant protection products Directive - 13-Mar-2004 [6755]
- Notice for 2005 export authorization of ozone depleting substances issued - 22-Jul-2004 [7332]

## Proposed changes to waste permits and permitting procedure in the Netherlands



- On 15 July 2004 a Draft Decision amending the Facilities and Permits Decision Environmental Management regarding waste management was published. The proposed amendments relate to the granting of permits for limited periods, a change in the permitting authorities and amendments regarding the permit application process.
- More specifically the draft amendments published on 15 July 2004 would bring out the following five changes:
  1. The number of categories of facilities for which an environmental permit can be issued under Art. 8.1 to the Environmental Management Act for a limited period is reduced. As a result waste incineration and landfill facilities will require permits of an unlimited period.
  2. The requirement for a declaration of no objections from the Ministry of VROM is removed, for the granting of an environmental permit for certain categories of facility where waste is re-used or disposed of.
  3. The municipal authorities (mayors and aldermen) will be responsible for issuing permits rather than the provincial authorities.
  4. Containers for the collections of household and industrial waste with a maximum capacity of 35m<sup>3</sup> are exempt from the permitting requirement.
  5. The application requirements for an environmental operating permit for waste disposal facilities are amended.

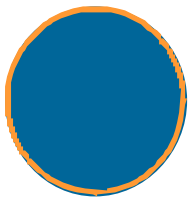
### Other waste-related developments tracked by Enhesa in the last few months include the following

- Austria:** Proposed amendment to Waste Management Act [4692]
- Brazil:** Proposal to amend resolution on manufacturing, import and placing on the market of batteries [2807]
- Switzerland:** Electronic product take back Ordinance amended [599]
- Switzerland:** Amendment to the Ordinance on Air Pollution Control [1642]
- Mexico:** Norm on environmental protection requirements for petroleum land wells 6451
- Netherlands:** Proposed Decision amending the Decision Landfills and Landfill Prohibition Waste [5380]
- Australia - Victoria:** List of accredited agents involved in management and disposal of hazardous wastes [6233]
- Brazil:** CONAMA Resolution on construction waste management amended [3703]
- Germany:** Ordinance on Major Combustion Plants (13. BImSchV) amended [5541]
- European Union:** Community strategy for dioxins, furans and polychlorinated biphenyls (PCBs) [4804]
- Korea, South:** Electronic and electrical products to be subject stringent recycling requirements [4010]
- Netherlands:** Adopted amendments to the Facilities and Permits Decision regarding waste management [4645]
- Netherlands:** Amended Rule on Subsidies for Environmental Technology [1090]
- Netherlands:** Adopted Rule and Decision on take-back and recycling of electronic waste [1051]
- New Zealand:** National environmental standards to control greenhouse gas emissions from landfills approved [6932]
- Norway:** Provisions on the reimbursement of fees on HFCs and PFCs are applicable [6303]
- Philippines:** Environmental Agreements signed with Industry Associations under Philippine Environment Partnership Programme (PEPP) [3773]
- Philippines:** Delay in adoption of Implementing Rules and Regulations to Act on Comprehensive Water Quality Management [3058]
- Thailand:** Draft packaging waste law to be tabled for consultation [4553]
- Taiwan:** Pilot project for recycling of CDs and mobile phones launched [1606]

### Waste Management Presentation

DaeYoung Park, an Enhesa consultant specializing in Asian environmental, health and safety law, will be presenting an "Overview of Current & Pending Waste Management Requirements Affecting Manufacturers in Japan" at the CHWMEG Fall Meeting in Louisiana, U.S.A on 18 October 2004.

CHWMEG, Inc. is a non-profit trade association comprised of manufacturing and other "industrial" companies interested in the waste management aspects of their environmental stewardship programs.



## Land contamination developments in Ontario

(Continued from page 1)

contained in records of site condition. An owner of a property will be allowed to file a record of site condition in the Registry in respect of a property if all of the following criteria are satisfied:

- A qualified person has certified in the record of site condition that a phase one environmental site assessment of the property has been conducted;
  - A qualified person has certified that a phase two site assessment of all or part of the property was conducted with respect to one or more contaminants, or no phase two environmental site assessment is required by the regulations of any part of the property;
  - If a phase two environmental site assessment was conducted for only part of the property, a qualified person has certified that no phase two environmental site assessment was required for any other part of the property, and in the opinion of the qualified person it was not necessary for any other reason to conduct a phase two environmental site assessment
  - If a phase two environmental site assessment was conducted, the qualified person has certified that the soil pollution standards are met, except for those contaminants specified by the qualified person;
  - For each contaminant excepted by the qualified person a risk assessment was prepared for the contaminant with respect to the property for which the phase two environmental site assessment was conducted which was accepted by the Director.
- If the Director accepts a risk assessment relating to a property, he may issue a certificate of property use to the owner of the property requiring the owner to take any action specified in order to prevent, eliminate or ameliorate any adverse effect on the property or refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate.
  - The consequences of filing a record of site condition is that no orders could be issued in respect of a contaminant that is on, in or under the property and that was discharged before the certification date to the following persons:
    - the person who filed the record of site condition or a subsequent owner of the property;
    - a person who is in occupation of the property or was in occupation of the property at any time after the record of site condition;
    - a person who was in charge, management or control of the property or had charge at any time after the record of site condition;
    - a person who meets the requirements prescribed by the regulations and who before the certification date owned the property, was in occupation of the property or had charge, management or control of the property.
  - Emergency orders could still be issued to the owner of a property if there is reasonable ground to believe that due to the presence of a contaminant in the soil before the certification date there is danger to the health and safety of any person, including danger to any existing water supplies.

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. Please contact Enhesa for further details.

### Mandatory site assessments

- The Brownfields Statute Law Amendment Act, 2001 enabled regulations to provide rules for

(Continued on page 10)

### Other regulatory developments elsewhere pertaining to soil contamination include the following:

**China:** Control on investigation and remediation of contaminated sites strengthened [7204]

**New Zealand:** Proposed guideline on contaminated land management number 4 [7129]

**Belgium (Wallonia):** Soil Remediation Decree adopted [1825]

**Taiwan:** Guideline to improve soil and groundwater pollution control sites issued [7009]

**Norway:** Clean-up of contaminated ground in relation to building and construction work [6845]

**United Kingdom:** Consultation launched on draft guidance on contaminated land [6853]  
remediation

**Mexico:** Proposal on on maximum permissible thresholds of soil contamination caused by hydrocarbon leaks [5419]

**Netherlands:** Proposed change in soil protection policy [1098]

**New Zealand:** Guidelines on Contaminated Land Management [6780]

**Russia:** Decree on use of contaminated land adopted [6713]

**Australia:** NSW: Amendments to the NSW Site Auditor Scheme adopted [5279]

**Korea, South:** Proposed amendments to the Soil Environment Preservation Act[ 2277]

# North America



## Canada

- Ontario: Brownfields regulations finalised - 19-Jun-2004 [7337]
- Ontario: Bulk of contaminated lands legislation enters into force - 02-Nov-2002 [4489]
- Canada issues three notices on the ban of certain toxic chemicals - 17-Jul-2004 [7341]
- for use and commercialization of certain types of lead - 12-Aug-2004 [7357]
- Adopted standard on minimum safety requirements for electrical products - 19-Aug-2004 [3368]
- Instructions for employers concerning report of mandatory housing contributions - 21-Jul-2004 [7192]

## Mexico

- Norm on waste disposal operations in pre-existing cavities and geologically stable saline domes - 27-Aug-2004 [6373]
- Regulation of the Register for emissions and transfer of pollutants - 03-Jun-2004 [6644]
- Norm on environmental protection requirements for petroleum land wells - 27-Aug-2004 [6451]
- Norm on hermetic sealing of radioactive sources - 02-Sep-2004 [6638]
- Forms for approval of certified entities for verification of compliance with energy efficiency norms - 02-Aug-2004 [7280]
- Amendment to norm on sanitary requirements

## United States

- Respiratory Protection Standard Amended - 04-Aug-2004 [6021]

Recent additions to our compliance 'toolbox' are detailed EHS Audit Protocols for **Finland** and the **European Union**,

ENHESA Audit Protocols can be tailored for your specific needs, so that you don't spend valuable time ploughing through audit questions that clearly aren't relevant to the facility being audited.

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

# Africa (limited to Egypt and South Africa)

## Egypt

- Decree issued on safety, occupational health and work environment safety training and rules - 19-Jul-2004 [7339]

- Biodiversity Act comes into force, requiring permits to be obtained for various activities - 01-Sep-2004 [6924]
- National Environmental Management Amendment Act adopted, making way for EIA Regulations - 09-Jul-2004 [7302]
- Facilities Regulations reissued with minor changes to occupational health facilities which must be provided to workers - 03-Aug-2004 [7499]

## South Africa

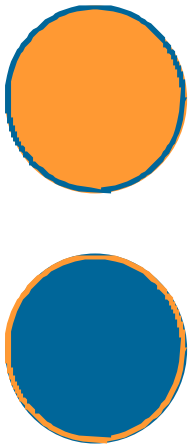
- Regulations adopted to ensure safety when carrying goods by sea - 23-Jul-2004 [7294]

- This Flash highlights some of the regulatory EHS developments that occurred in July and August of 2004. For details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development and the possibility to obtain further relevant details. The Enhesa Update is available for 1000 EUR per year.
- If you want to ensure that you get all the information you need, the Enhesa regulatory monitoring service could be the perfect solution for you. This service provides you with a summary of all relevant and applicable regulatory EHS developments for each new development (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the countries you specify.

- For each development, a tailored business impact analysis is made for your company's operations. In most cases, a link to the full text of the Regulation is provided, either on the Internet or in the Enhesa knowledgebase of more than 16000 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 to visit our demo site.

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

## Canadian brownfields legislation



mandatory site assessment and standards for contaminants based on proposed land use, where there is a land use change from industrial/commercial to residential/parkland.

- The Record of Site Condition Regulation has been passed to ensure that site contamination is addressed prior to redevelopment which would protect human health and the natural environment. It also provides protection from future environmental orders for owners who follow the prescribed site assessment and cleanup process which includes filing a record of site condition to the Environmental Site Registry and using a certified consultant. The same applies to municipalities, secured creditors, persons conducting an investigation, etc. Owners of sites which were cleaned up to the appropriate standards before the Act enters into force, could receive protection from environmental orders by filing a record of site condition which meets the requirements of the Regulation.

### Recommendations

- Prior to this Amendment, brownfields in Ontario were not comprehensively legislated and the development of this contaminated site registration system is in line with the Federal Government's aim for Canada to be established as a global leader in brownfield remediation. If a facility operates on a historically contaminated site in Ontario it should consider filing a record of site condition to protect itself from environment clean up orders, and to receive the economical benefits it could gain from being able to use a remediated site.

### ENHESA issues:

- **Enhesa Flash:** 8-10 pages with titles of new regs - free - now every two months
- **Enhesa Update:** 50-100 pages with titles and abstracts of new and proposed regs - 1000 EUR/year - every month.
- **Enhesa monitoring reports:** tailored to your unique business needs, with detailed analyses of how new and proposed regulations will affect your specific operations in whichever country you operate in. Every month you will receive a tailored analysis of each development and a breakdown of what you will need to do to stay in compliance. Pricing starts around EUR 2,500 per country per year.
- **Country Profiles, Audit Protocols, Scorecards, Regulatory Registers, Training Manuals, etc.**

The **Enhesa Flash** is distributed free of charge. For subscriptions, please go to [http://www.enhesa.com/EN\\_version/newsletter.htm](http://www.enhesa.com/EN_version/newsletter.htm)

### Global EHS Compliance Assurance Support to Industry

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

- Washington: Paul Cullen Beatley, Enhesa President  
4320 Clearbrook Lane, Kensington, Maryland 20895, USA  
Tel/Fax: +1-301-530.13.92, E-mail: [pcb@enhesa.com](mailto:pcb@enhesa.com)
- Brussels: Thierry Dumortier, Enhesa Director  
13-15 rue du Mail, B-1050 Brussels, Belgium  
Tel: +32-2-775.97.97, Fax: +32-2-775.97.99, E-mail: [td@enhesa.com](mailto:td@enhesa.com)

© Enhesa 2004

