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Introduction

Compliance teams within the electronics industry face major challenges when it comes to managing the risks of chemicals in their products. The pace of regulatory activity controlling the use of (hazardous) substances in electronic and electrical equipment (EEE) shows no sign of slowing down. And there is a greater need than ever to understand which hazardous substances are present within products, and to communicate this throughout the supply chain.

For companies that manufacture, assemble, import, export, distribute and sell electrical and electronic products, staying informed has never been more important.

As the leading global provider of independent intelligence and insight for product safety professionals managing chemicals, Chemical Watch is well positioned to help the EEE sector keep up with regulatory activity and ensure compliance across the globe.

Our award-winning news and insight coverage, along with world-class compliance tools and our unparalleled events and training programmes, are designed to give you the information and skills you need to meet, and exceed, your compliance goals.

This report contains a handpicked selection of recent content from our news and insight team, including regulatory and business developments that directly affect the electrical and electronics industry, and examples of the most popular stories for readers in the sector from across our comprehensive coverage of chemicals management.

We hope you enjoy this sample of Chemical Watch content.

The Chemical Watch team
Apple, Dell, HP commit to protect workers from hazardous chemicals

Pledge includes prioritising the elimination or substitution of priority substances, such as solvents

05 August 2021

Electronics giants Apple, Dell and HP Inc have committed to the Towards Zero Exposure programme – an initiative aimed at reducing worker exposure to hazardous chemicals along the electronics supply chain.

The Clean Electronics Production Network (CEPN) – which formed in 2016 and comprises the US EPA, major electronics companies, academia, NGOs and other stakeholders – launched the programme on 3 August with the three companies, which are CEPN members, announced as the founding signatories.

The CEPN, which is an organisation set up under US non-profit Green America, said signatories commit to:

- prioritise the elimination or substitution of priority chemicals with safer alternatives and continue to protect workers until that is achieved;
- collect data on the process chemicals used in manufacturing electronic products;
- advance worker engagement and participation as an essential element of a best-in-class safety culture for managing process chemicals;
- reach deeper into the overlapping and complex electronics supply chain to reduce worker exposure to hazardous chemicals; and
- verify and report on activities to ensure progress towards implementing the goals.

It said they also agree to protecting workers within suppliers’ facilities as well as their own, which includes urging their suppliers to join the programme.

On why only three member companies have signed up to the programme, the CEPN said it “recognised that the choice to become a signatory, publicly promising to make progress in the programme’s broad and robust commitments, takes place within a corporate decision-making process with competing priorities”.

It said it “looks forward to adding more companies from among CEPN members and the broader industry as we proceed on the journey towards zero exposure of workers in the electronics industry to hazardous process chemicals”.

The organisation and the three signatories are encouraging companies to join them and sign up to the commitments. The programme is open to all companies (brands and suppliers) in the electronics supply chain.
Saudi Arabia publishes RoHS-like regulation

**Final version does not include the four phthalates restricted in the EU**

**03 August 2021**

Saudi Arabia has published a regulation that will require companies to ensure electronic and electrical equipment (EEE) meets restriction levels set for six hazardous substances from 5 January 2022.

The technical regulation, published on 9 July by the Saudi Standards, Metrology and Quality Organization (SASO), brings the kingdom into closer alignment with the EU’s Directive on the restriction of hazardous substances (RoHS) in EEEs.

It requires that all applicable products undergo a conformity assessment to ensure they do not exceed the chemical restriction levels for the six substances.

However, the restriction does not include the four phthalates – DEHP, BBP, DBP and DIBP – that the EU added to its restricted list in 2015. These had previously been included in a draft version of the Saudi regulation, published last November.

The SASO told Chemical Watch that its regulation is in line with “best international practices, therefore, the restrictions at the current stage consist of six substances”.

It also differs from the EU’s RoHS Directive because all products will have to undergo a conformity assessment before being placed on the market, to prove that the chemical thresholds as well as other requirements are met. This is also required under the United Arab Emirates (UAE)’s RoHS regulation, which was enacted in 2017.

Products covered by the Saudi technical regulation remain the same as in the November 2020 draft. They include:

- household appliances;
- medical devices;
- weapons and military equipment;
- leisure, recreation and sports equipment; and
- monitoring and control equipment.

The following products are exempt:

- lighting equipment;
- electrical and electronic tools and equipment;
- large-scale stationary industrial tools; and
- large-scale fixed installations.

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- large-scale stationary industrial tools; and
- large-scale fixed installations.

The regulation sets a deadline of 5 January 2022 for new EEEs to comply, but manufacturers can sell products already on the market until 9 July 2022.

**Regional RoHS**

Saudi Arabia’s decision to implement a RoHS regulation came after products were found on the market containing “dangerous substances [that] represent a serious danger to the safety of consumer health and the environment”, an SASO spokesperson told Chemical Watch in November.

The draft regulation was identical to its regional counterpart, originally published in 2016, which member countries of the Gulf Cooperation Council (GCC) trade bloc are still considering.

As of last November, the six governments — Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE — had not yet reached consensus on how to finance implementation.

The SASO did not say whether the GCC regulation will still include restrictions for the four phthalates, or confirm its timeline.
When it announced the six-month electronic components. products, especially those that rely on that the restriction could disrupt global enforcement of the PIP 3:1 ban until 4 in March, the agency said it would delay limiting the use of four other PBTs. But 3:1 in December 2020, along with rules for use in articles, or articles containing processing and distribution of PIP (3:1) until 4 September 2021”, while it reviews the rule and comments it has received.

Fujifilm has said it will discontinue sales of its Velvia 100 slide film to comply with the US EPA's TSCA prohibition on phenol, isopropylated phosphatase (3:1) (PIP 3:1) in articles. The 6 July decision by the photographic and imaging equipment company highlights the challenges ahead for businesses seeking to comply with new restrictions on the persistent, bioaccumulative and toxic (PBT) substance, even as many are still learning about product components that contain the chemical.

The EPA finalised the rule restricting PIP 3:1 in December 2020, along with rules limiting the use of four other PBTs. But in March, the agency said it would delay enforcement of the PIP 3:1 ban until 4 September, citing industry complaints that the restriction could disrupt global supply chains for a wide variety of products, especially those that rely on electronic components.

When it announced the six-month enforcement delay, the agency also opened a 60-day consultation to help inform its next steps. But the EPA has not yet said what will happen when its "No Action Assurance" (NAA) expires in early September.

Many businesses and their supply chains were “caught flat-footed” by the restrictions, said Lynn Bergeson, a partner with Bergeson & Campbell who advises companies and trade associations on TSCA compliance and the regulation of chemicals. At the same time, “the passage of a modest amount of time has not moved the needle appreciably,” she said.

There is “lots of concern with the absence of any sign from EPA” about what happens when the NAA lapses, she said. “Shipments and plans need to be made now, not on the eve of the end of the NAA.”

Industry groups like the National Association of Manufacturers (NAM) previously said their members could need as much as eight years to investigate the presence of PIP 3:1 in their supply chains and deploy suitable alternatives.

Kelly Scanlon, director of EHS policy and research at electronics industry group IPC, said her organisation “and peer electronics associations are working together with EPA to learn more about their intended next steps regarding the upcoming end to the 180-day NAA.”

In response to a request for comment, the EPA reiterated its position that “it will exercise its enforcement discretion to not pursue enforcement actions for violations of the prohibitions on the processing and distribution of PIP (3:1) for use in articles, or articles containing PIP (3:1) until 4 September 2021”, while it reviews the rule and comments it has received.

Read more →

EU environment ministers have criticised the European Commission’s proposal to initiate restrictions of some battery ingredients in a separate process from REACH, arguing that it would duplicate existing restriction work.

Instead, they wanted to refer to the “established restriction procedure” under REACH.

The rift in opinion between the Council of Ministers and the Commission over restriction of substances used in batteries points towards an ongoing debate over the proposal, and possible future changes as negotiations between the two bodies continue.

Under the Commission’s proposal, first published in its draft sustainable batteries Regulation in December, the EU executive will be able to ask Echa to create a restriction dossier, including a socio-economic assessment and analysis of alternatives, for any substance used in the lifecycle of batteries. In its initial draft, the Commission said it anticipated an average of one new restriction a year.

According to a 28 May progress report by the Portuguese presidency of the Council, some member states “expressed interest in exploring the possibility” of deleting the separate restriction mechanism from the draft during a meeting of the Council’s working party on the environment. Instead, they wanted to refer to the “established restriction procedure” under REACH.

Spain’s environment minister said the system should draw on REACH as an example, and Echa be given “sufficient tools” to carry out the evaluation.

Denmark’s environment minister suggested further criteria as the basis of restriction, saying sustainability, and factors such as greenhouse gas emissions, creation of hazardous waste or barriers to recycling should be taken into account.

During the meeting, the Commission defended the proposal, arguing that REACH does not cover waste, while the new mechanism would address substances in the entire life cycle of batteries. It also said the “specificities of batteries and the more limited number of substances at stake” made a separate process necessary.

Speaking at the meeting, environment commissioner Virginijus Sinkevičius said the Commission expects to enter into negotiations with the European Parliament on the proposal in 2022, and to finalise an agreement in the first half of 2023.

Read more →
New York lawmakers approve bill to ban flame retardants in electronic casings

Legislation would also ban certain substances in furniture, mattresses

11 June 2021

Lawmakers in New York’s Senate and Assembly have approved legislation that would make the state the first in the US to prohibit the use of certain flame retardants in casings within electronic devices like computer monitors and televisions.

The legislation (S 4630B) – approved on 10 June – would prohibit the use of organohalogen flame retardants (OFRs) in the casings and stands of electronics with a display screen greater than 15.5 square inches, beginning in 2024.

Starting that same year, the measure would ban the sale of new upholstered furniture and mattresses containing intentionally added amounts of halogenated, organophosphorus, organonitrogen or nanoscale flame retardant chemicals. Reupholstery and repair operations would have to stop using materials containing the covered substances by the start of 2023.

A handful of US states have adopted similar restrictions on the use of certain flame retardants in furniture and mattresses, including Maryland, Maine and California.

But if Governor Andrew Cuomo (D-New York) ultimately signs the bill into law, the state would become the first in the US to prohibit the use of certain flame retardants in furniture, mattresses containing “modacrylic fibre components” used in “memory foam or gel mattresses.”

Growing support

Restrictions on the use of flame retardants have grown in recent years, as more attention is given to the substances’ potential health effects, including cancer and negative impacts on the immune system and child development.

New York’s bill drew strong support in both legislative chambers, passing in the state Assembly on a 147-2 vote on 10 June, having cleared the Senate chamber on a unanimous vote two days earlier.

Several firefighting associations also threw their support behind the New York bill.

John Farrell, president of the Firemen’s Association of the State of New York, said firefighers “are already exposed to significant amounts of toxins in the course of our duties, but to continue adding possible cancer-causing agents to our furniture and electronics – chemicals that have actually been shown to do little to reduce fire growth or spread – is a recipe for more illness and potential losses of firefighters to cancer.”

The American Chemistry Council said it supports legislation that is transparent and addresses both chemical safety and fire protection. But the trade group questioned some of the inconsistencies it saw in S 4630B and urged Governor Cuomo to veto the measure.

“While the bill allows for flame retardants to continue to be used in electronic displays in commercial settings, it simultaneously restricts their use in residential settings,” the ACC said. “There is no mechanism to help retailers determine which products can be sold and who can purchase the products. Consumers may avoid the confusion altogether by visiting a neighbouring state to make their purchases.”

But Bobbi Wilding, executive director of Clean and Healthy New York and co-leader of the JustGreen Partnership, thanked New York lawmakers for approving the bill. Many of the chemicals used as flame retardants “poison children and firefighters and don’t prevent fires”, she said.

Sweden’s chemicals agency (Kemi) and tax agency have proposed changes to a tax levied on the use of flame retardants in electronics products, with the aim to make it more effective in reducing hazardous substances.

The new recommendations come after a report in October said the tax, first introduced in 2017, has had limited effect because companies substituted the chemicals with other hazardous alternatives in some cases.

In the second part of the evaluation submitted to the government, the authorities proposed that it is based on the hazardous properties of chemicals, rather than their presence, Kemi said.

Among the recommendations is a new tax deduction structure based on the CLP classification and labelling of substances. The next level depends on whether the flame retardants contain chlorine, bromine or phosphorus, regardless of whether there is a flame retardant function or not. In the new form, it will not cover substances without such properties, making it more accurate and clearer, Kemi said.

In its current form, the tax is based primarily on the content of chlorine, bromine or phosphorus, regardless of whether there is a flame retardant function or not. In the new form, it will not cover substances without such properties, making it more accurate and clearer, Kemi said.

Read more →

Swedish authorities propose improvements to chemicals tax on electronics

New tax deduction structure based on CLP classification recommended

20 May 2021

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**Chemical Watch's ROHS global regulatory comparison tool provides:**
- everything in one place: no need to trawl through multiple websites to find the information you need;
- a comparative viewpoint: identify similarities and differences in regimes to improve your processes and efficiencies, such as grouping labels together; and
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**Focused Compliance Solution**

**EEE: RoHS, E-Waste and EPR**

Manage and reduce the risks of chemicals in electronics and electrical products from beginning to end.

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**European Commission lays out detailed REACH, CLP revision options**

Several possible amendments set out under chemicals strategy initiative

**06 August 2021**

The European Commission has published two comprehensive inception impact assessments (IIAs) on its chemicals strategy actions, paving the way for potentially significant changes to REACH and CLP, to which industry must adapt.

The strategy, published last October, commits to more than 50 wide-ranging actions that are expected to be completed by 2024.

The EU executive launched the IIAs – ‘revision of REACH Regulation to help achieve a toxic-free environment’ and ‘revision of EU legislation on hazard classification, labelling and packaging of chemicals’ – on 4 May.

They go into greater detail than a traditional ‘roadmap’, the Commission said, and set out a range of possible options for which it seeks stakeholder feedback by 1 June.

Concerning REACH, the Commission is considering the following measures:
- revision of registration requirements – it will analyse options including increased information on hazards of concern, documentation of safe use, registration of certain polymers, and information on the environmental footprint;
- simplifying communication in supply chains – officials will assess ways to improve safety data sheets (SDSs), including harmonised electronic formats;
- revising provisions for dossier and substance evaluation – options include the possibility to revoke registration numbers for non-compliant registrations and to allow authorities to commission tests to obtain hazard information;
- reforming the authorisation process – the Commission will look at “clarifications and simplifications” of current provisions, national authorisation for smaller applications, integrating the REACH authorisation and restriction systems into one and improving the interface with other pieces of legislation, which will “complement” actions under the one-regime approach to restrictions to achieve a toxic-free environment and “revision of REACH Regulation to help achieve a toxic-free environment”;
- putting the concept of essential use in restrictions into operation, including criteria for granting derogations;
- revising enforcement provisions – the Commission will consider establishing minimum requirements for national controls and enforcement, including stricter border controls, as well as establishing an audit of member state enforcement, and
- introducing a mixtures assessment factor (MAF).

The Commission will run a public consultation on the options in the first quarter of 2022, with the intention to adopt new legislation in the fourth quarter of that year.

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The EEE: RoHS, E-Waste and EPR Focused Compliance Solution is available alongside Chemical Watch membership.
The US EPA has proposed a per- and polyfluoroalkyl substance (PFAS) reporting rule that would require producers and importers to supply extensive information on more than 1,300 of the substances used in the US over the last ten years.

The 2020 National Defense Authorization Act (NDAA) added to TSCA section 8(a) a one-time disclosure requirement for PFASs produced and imported since 1 January 2011. The EPA announced a proposed rule on 10 June after it cleared the White House Office of Management and Budget. The resulting data could help inform future regulatory action, the EPA said.

Manufacturers and importers would need to disclose details regarding their use of any of the compounds, including chemical identity, use classifications, quantities generated and processed, byproducts, environmental and health impacts, worker exposure counts and lengths, and disposal. The agency said it determined 1,346 PFASs were on the TSCA inventory as of April 2021, with 669 active in US commerce.

As written, the reporting mandate would extend to byproducts, impurities and articles containing the compounds. It would also affect small producers, the EPA said.

The agency suggested a one-year reporting timeline following the enactment of a final rule, which must happen by 1 January 2023, according to the NDAA. Firms could start submissions six months after the rule comes out.

“This rule would be the first targeted effort under (TSCA) to collect information on the manufacture of PFASs and would provide EPA with the most comprehensive dataset of PFASs manufactured in the United States,” the agency said. It noted that the measure would be “an important first step to better understanding and ultimately reducing potential risks caused by these chemicals”.

Reporting entities would utilise the EPA’s electronic platform. To prevent data replication, companies could show that they previously supplied necessary details under the Chemical Data Reporting (CDR) rule.

Additionally, the agency put forward a five-year recordkeeping requirement, beginning on the submission deadline, for reporters to maintain copies of everything they submit.

According to the EPA, industry could see burdens and costs of over 122,100 hours and roughly $9.8m while working to comprehend obligations, fill out paperwork, validate confidential business information (CBI) claims and preserve records. Small businesses could face a nearly $1.8m hit, between around $17,000 to $92,000 per company, it said.

But by shedding light on PFAS origins and amounts, the agency said, the reporting mandate could clarify certain exposure pathways and public health and ecological effects, and further other priorities within the EPA’s PFAS Action Plan.

Melanie Benesh, the Environmental Working Group’s legislative attorney, said “proposing the data collection rule well ahead of statutory deadlines demonstrates the chemicals office is giving PFASs the urgency they deserve. The information collected under this rule will bring much-needed transparency to PFAS use and production and risks to workers and nearby communities.”
NGO ChemSec said it was glad to see the additions to the candidate list, even though the process is "too slow". It will now add MCCPs to its own Substitute It Now (SIN) list, which has featured a broader group of chlorinated paraffins since 2008, said deputy director, Frida Hök. Several persistent, mobile and toxic (PMT) substances, including 1,4 dioxane, have also been on the list since 2019.

MCCPs were omitted from Britain’s 2021-22 programme for SVHC identification under the parallel UK REACH regime. The Health and Safety Executive (HSE) said the UK has begun preparations to nominate them as persistent organic pollutants (POP) under the Stockholm Convention, a move that could lead to a global restriction of the substances.

"We believe this is the most efficient and effective route for us to influence management of the risks posed by MCCPs," HSE told Chemical Watch. Echa last updated the candidate list in January, when it added two reprotoxic chemicals used in products, such as inks or toners, and to produce plastics and rubber tyres.

NGOs have criticised the length of time it takes Echa to propose SVHCs for authorisation. Currently, there are 54 substances on Echa’s authorisation list.