



Chemicals in the Americas

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The Houston Club, Houston TX

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Global Influences on National Chemical Laws

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Goals

- Identify key global drivers of chemicals policy
- Flag opportunities to track and influence



Agenda

1. Global Outlook
2. European Union & REACH: Global Impacts
3. Multilateral Treaties
 - Stockholm Convention on Persistent Organic Pollutants
 - Rotterdam Convention on Prior Informed Consent
4. Other Pressure Points
 - UN Environment Assembly (UNEA)
 - Strategic Approach to International Chemicals Management (SAICM)



Global Outlook

Global Chemical Policy Initiatives

International Orgs

OECD
WHO
FAO
APEC
UNEA
SAICM
UNECE (GHS)

Multilateral Treaties

Stockholm (PBTs)
Rotterdam PIC
(hazardous chemicals
trade)
Basel (hazardous
waste)
Montreal Protocol
(ODS and HFCs)
Minimata Mercury



Key National Regimes

European Union
United States (TSCA)
Canada
Japan
Australia
China
CA/WA/OR/MN

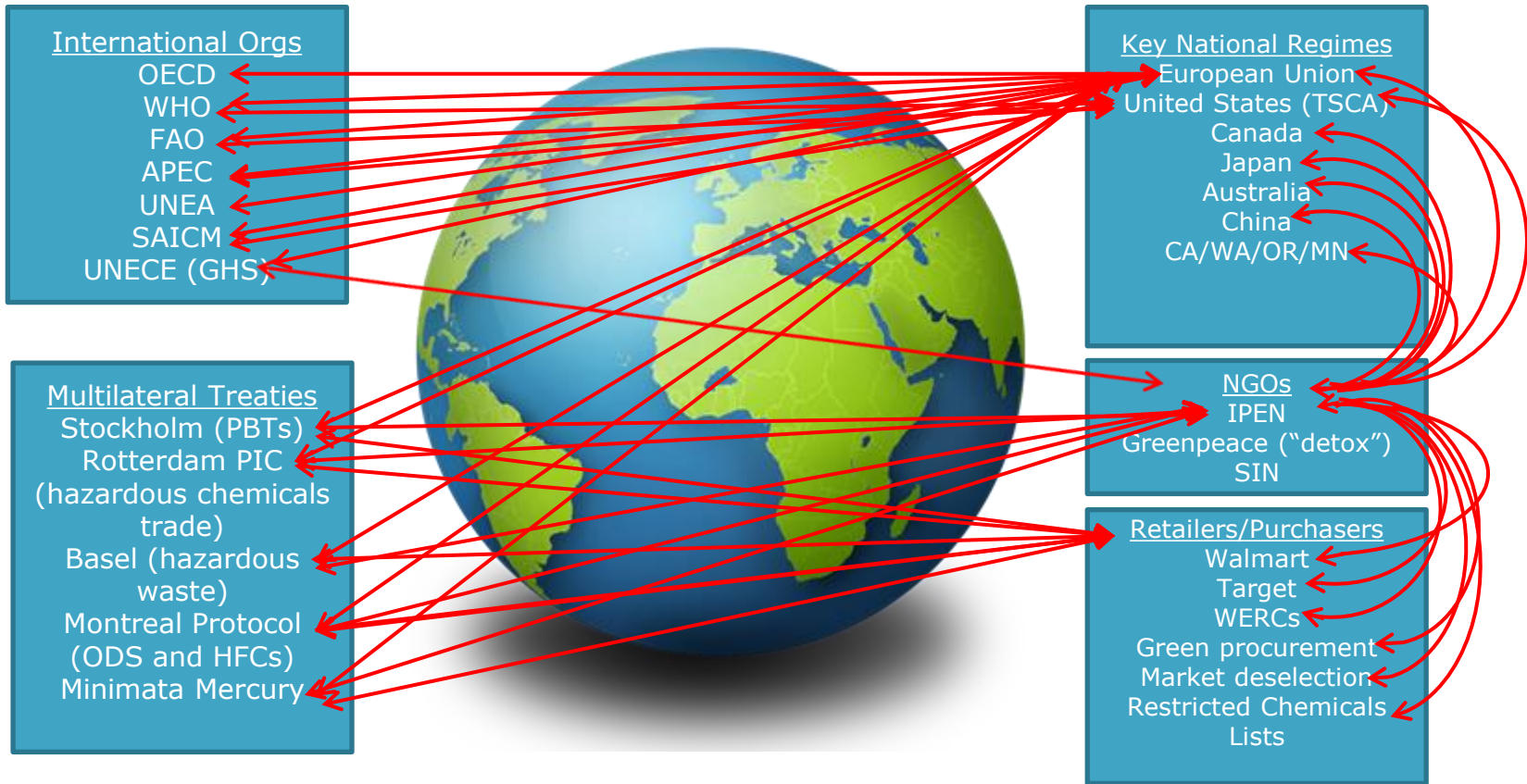
NGOs

IPEN
Greenpeace ("detox")
SIN

Retailers/Purchasers

Walmart
Target
WERCs
Green procurement
Market deselection
Restricted Chemicals
Lists

Global Chemical Policy Initiatives



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**Chemicals
of Concern**

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EU REACH – Global Impacts



Multilateral Treaties

Stockholm Convention on Persistent Organic Pollutants: Overview

- Not directly binding on companies ... but near universal applicability
- A global material restriction rule for PBTs
 - Eliminate intentional production and use and trade, ***including in products and articles containing POPs***
 - Restrictions on import and export – for POPs chemicals ***and for products/articles containing POPs***
 - Restrictions on disposal and recycling of wastes containing listed chemicals
- Expanding to include widely used industrial chemicals



STOCKHOLM
CONVENTION

Stockholm Listed Chemicals

PESTICIDES

- **Initially Listed**
 - Aldrin
 - Chlordane
 - DDT*
 - Dieldrin
 - Endrin
 - Heptachlor
 - Hexachlorobenzene
 - Mirex
 - Toxaphene
- **Added by Amendment**
 - Chlordecone
 - Alpha hexachlorocyclohexane
 - Beta hexachlorocyclohexane
 - Lindane
 - Pentachlorobenzene
 - Endosulfan
 - Pentachlorophenol

INDUSTRIAL CHEMICALS

- **Initially Listed**
 - Hexachlorobenzene
 - PCBs
- **Added by Amendment**
 - Hexabromobiphenyl
 - Brominated FRs:
 - Octa-BDE
 - Penta-BDE
 - HBCDD
 - Deca-BDE
 - PFOS*
 - Polychlorinated naphthalenes
 - HCBD
 - SCCPs

BYPRODUCTS

- **Initially Listed**
 - HCB
 - Dioxins
 - Furans
 - PCBs
- **Added by Amendment**
 - Alpha HCH
 - Beta HCH
 - Pentachlorobenzene
 - PCNs
 - HCBD

Recycling and “Circular Economy”

- Affects products & articles containing any listed chemical
- Disposal methods must destroy POPs content (e.g., hazwaste incineration), unless:
 - POPs content below a “low” threshold level
 - Set chemical-by-chemical under Basel Convention
- Impact on recycling:
 - Products and articles containing POPs generally not allowed to be recycled
 - Exemption for recycling included for PBDEs, but excluded for HBCDD



Constant Treaty Expansion

- Hostile listing forum
- Downside impacts
 - Rapid market deselection
 - Increased scrutiny of regulators
 - High likelihood of eventual listing



Current Pipeline: Chemicals Under Review

PFOA

- (EU, 2015)
- Perfluorinated compound, still with targeted uses
- Under Risk Management Review (exemptions)

PFHxS

- (Norway 2017)
- Perfluorinated compound, still with targeted uses
- Just started “risk profile”

Dicofol

- (EU, 2013)
- Pesticide (obsolete)
- Review complete – listing decision in 2019

Future: D4???

- EU attempted notifications in 2016 and 2017
- Base chemical used for silicone polymers
- Vast applications

Rotterdam Convention on Prior Informed Consent for Trade in Hazardous Chemicals: Overview

- Establishes global “Prior Informed Consent” (PIC) procedure for listed chemicals
 - Importing party decides to allow, prohibit or allow with conditions
 - Exporting party must respect importing party decisions
 - Export notifications required prior to shipment
- 50 chemicals on the list
 - 35 pesticides
 - 15 industrial chemicals
- Almost all countries are party (except United States)



The PIC List: Another Expanding Treaty

- Trigger for listing consideration
 - Notification of final regulatory action of ban or severe restriction
 - From two different PIC regions
- Notifications must meet risk-based criteria
 - Final regulatory action taken to protect human health or environment
 - Final regulatory action taken as consequence of risk evaluation

PIC List = Black List

Short-term:

- Adverse publicity
- Unfavorable product image in the market
- Administrative burden of export notification
- Can trigger a national review

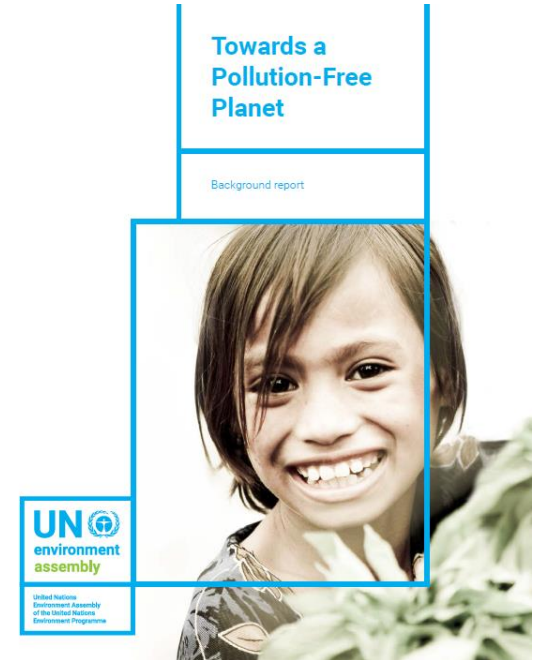
Long-term:

- Tied to automatic prohibition in some countries
- Becoming a 'secondary standard' for trade, grower associations, and supermarkets
- Increased pressure on regulators from national and international non-government organizations to ban or severely restrict chemical, especially severely hazardous pesticide formulations

Non-Treaty Influences

UNEA-3

- UN Environment Assembly
- Next meeting December 2017
- High-level policy shop
- Sets agenda and issues mandates for future work
- Focus on:
 - Chemicals & wastes: lead, circular economy
 - Plastics in marine environment



SAICM: Strategic Approach to International Chemicals Management

- “Multi-stakeholder forum”
- Policy framework to promote chemical safety in absence of global agreement
- Goal: sound chemicals management by 2020
- Substantive work focuses on emerging policy issues
- Next meetings late 2018 or early 2019

Emerging Policy Issues

- Lead in paint
- Chemicals in products
- Hazardous electronics
- Nanotechnology
- Endocrine disruptors
- Environmentally Persistent Pharmaceutical Pollutants

Conclusion

Key Takeaways



If you make a chemical of concern

- Track every forum where it appears on agenda
- Engage downstream users to defend products, not substances
- Defend at EU and global level (regardless of location of market)



If you use a chemical of concern

- Expect proliferation of restrictions
 - regulatory
 - non-regulatory
- Engage with upstream users
- Identify early substitution options

Thank you!



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