

Webinar



2024 | Global Outlook. 

2024 Global Outlook for chemicals & chemical products in the Americas

4 September 2024



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Today's webinar

On the agenda

1. CEPA Highlights, PFAS Reporting, and the Federal Plastics Registry in Canada
2. TSCA Highlights; PFAS, Plastics and New HazCom Standard at the US Federal level
3. US State level PFAS restrictions and other trends;
4. Latest trends in Latin America relating to chemicals management, GHS and EPR.

Practicalities

During the webinar:

- Let us know of any technical issues
- Ask your questions via the chat

Following today's webinar we will share:

- Webinar recording
- Presentation slides
- Key takeaways summary

Speakers



Melanie Rybar

Regulatory & Compliance
Analyst, North America

Melanie is Enhesa Product Intelligence's expert on North America regulatory content. Based in Washington DC, she has spent her career in the chemical manufacturing industry, conducting regulatory analysis, risk management reviews and developing new product processes for companies making surfactants, functional polymers and other specialty chemicals intended for use in consumer products.



Nidia Calvo

Regulatory & Compliance Managing
Analyst for the Americas

Nidia oversees Enhesa Product Intelligence's regulatory content and service relating to products in the Americas, and coordinates the global analyst team from her base in Guadalajara, Mexico. She has spent her career in industry, conducting regulatory analysis and risk management for Latin America. She also has experience in TSCA, GHS, performing audits, and obtaining ISO 140001 certification.



Webinar chair: Angela Rumsey
Content Marketing Manager, Enhesa



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North America





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Canada

Canadian Developments to Watch in 2024

Finalized update to Prohibition of Certain Toxic Substances Regulations

- Proposal would eliminate some PFAS loopholes and ban flame retardants DP and DBDPE

Consultations on CEPA overhaul

- Two-year timeline to develop frameworks for incorporating a right to a healthy environment and assigning/managing chemicals

State of PFAS Report and reporting mandate

- Possible recommendation to add PFAS to CEPA Schedule 1 and data call-in/reporting mandate

Federal Plastics Registry

- Canada has issued a “Notice with respect to reporting of plastic resins and certain plastic products for the Federal Plastics Registry for 2024, 2025 and 2026”



Prohibition of Certain Toxic Substances Regulations

- **Finalized regulation expected in summer 2024 at the earliest, initial draft was proposed in May 2022**
- **The update seeks to replace existing regulations that restrict certain long-chain PFAS and two persistent flame retardants – hexabromocyclododecane (HBCD) and polybrominated diphenyl ethers (PBDEs)**
- **The proposal would also add new restrictions for two additional flame retardants, dechlorane plus (DP) and decabromodiphenyl ethane (DBDPE), used in a variety of products.**
- If finalized as proposed, this would make Canada the first country to impose broad resections on DBDPE



Canadian Environmental Protection Act (CEPA) Highlights

New prioritization software for chemicals on the Domestic Substances List (DSL)

Proposed disclosure of 200 chemicals on the DSL currently withheld as confidential

Environmental justice bill (C-226) received royal assent

Canada's State of PFAS Report and Data Call-in



Updated draft state of PFAS report published in July, timing for final not yet confirmed



Mandatory data call-in for 312 types of PFAS manufactured, imported or used during the 2023 calendar year above certain thresholds



Foreign suppliers are not required to report, but “encouraged to inform” their importers



PFAS broken down into three parts, each with different reporting requirements

Federal Plastics Registry Reporting

- Published in April by ECCC, with additional guidance expected “soon”
- Schedule 1 outlines scope of plastics needing to be reported by resins, resin sources, plastic packaging and other plastic products by categories and subcategories
- First phase of reporting starts in September 2025 with “phase 1” reporting on plastic placed on the market in three categories for the 2024 calendar year
- Access to reporting system available in the second half of 2024





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US Federal

US Federal Developments to Watch in 2024

TSCA Developments

- Updates on the status of the “first ten” prioritization chemicals

Final Rules impacting PFAS

- PFOA and PFOS identified as hazardous substances under CERCLA
- New drinking water standards preempt state level restrictions

Plastic pollution reduction identified as a priority

- The Biden administration has unveiled a government-wide strategy to decrease plastic pollution throughout the full lifecycle.

New Hazard Communication Standard finalized

- This HazCom revision has been in the works since 2021, and has phase in deadlines for new compliance obligations.



TSCA Section 6(a) Updates for the “First ten”

Final Rules Published

- Asbestos (Part I) – Effective 28 May 2024
- Methylene Chloride – Effective 8 July 2024

Proposed Rules Published

- N-Methylpyrrolidone – public comment period closed
- 1-bromopropane – public comments accepted until 23 September

Expected Final Rules

- Perc – Autumn 2024
- TCE – September-October 2024
- Carbon Tetrachloride – end of 2024

Expected Proposals

- HBCD – 2025
- PV29 – Late 2024
- 1,4-dioxane – pending

Additional Toxic Substances Control Act (TSCA) Highlights

130 chemicals previously confidential disclosed as part of a biannual update to inventory

CDR reporting due **30 September, updates to the CDX portal were made**

PFAS submission portal set to run from 12 November to 8 May

Other PFAS Updates

- **PFOA and PFOS proposed to be listed as hazardous substances under the CERCLA**
- **Final drinking water standards implement Maximum Contaminant Levels for specific PFAS in drinking water.**
 - Public water systems must complete initial monitoring by 2027, followed by ongoing compliance monitoring.
 - About half of US states have adopted PFAS Drinking Water regulations, moving forward, states will have to comply at a minimum with the federal level, but can choose to implement stricter levels as well.





Mobilizing federal action on plastic pollution: Progress, principles and priorities

- **The Biden administration has unveiled a government-wide strategy to decrease plastic pollution throughout the full lifecycle.**
- **While not a regulation, this strategy outlines possible regulatory and policy changes.**
- **For example, it includes a goal to eliminate federal procurement of single-use plastics from packaging and food service operations by 2027.**
- **The US EPA is also working on a National Strategy to Prevent Plastic Pollution**



US Hazard Communication Standard (HCS) to align with GHS 7 finalized

- **Effective 19 July 2024 with two phase-in deadlines:**
 - Substance labels and SDSs must be updated 19 January 2026 and mixtures 19 July 2027
- **Highlights of major changes:**
 - added classification categories for aerosols, desensitized explosives and flammable gases;
 - language clarifying the requirement to disclose hazards resulting from ‘known or reasonably anticipated’ downstream chemical reactions;
 - revised labelling requirements for small containers, with specific requirements for containers with a capacity of 100ml or less; and
 - prescribed concentration ranges to be used when claiming the specific concentration of a substance as a trade secret.



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US States





US Legislation by the Numbers: Top Mentioned Chemicals

- **PFAS is mentioned in almost a third of all bills introduced at the state level in 2024**
- **21 of those bills have been signed into law**
- **Address chemical restrictions across all sectors. Top sectors for PFAS restrictions:**
 - Cookware, firefighting foam/equipment, drinking and wastewater

Chemical	Total
PFASs	166
Mercury	36
Lead	30
Phenol	24
Polystyrene	23
Formaldehyde	19
Phthalates	17
Cadmium	12
Propylparaben	12
Triclosan	12

*All Data from the Legislation Tracker, accurate as of 2 September 2024

New Hampshire's PFAS Prohibition (HB 1649)

- Signed by the Governor, 6 August 2024
- Prohibits PFAS in eight product categories including food packaging, textile furnishing and personal care items beginning 1 January 2027.
- New Hampshire chose to follow the PFAS definition outlined in the US EPA's TSCA PFAS reporting rule, which is narrower than the typical state-level definition.





Rhode Island's Consumer PFAS Ban Act of 2024

- **Signed by the Governor 26 June 2024 (H7356A)**
- **Aims to ban all uses of PFAS in covered products by 1 January 2029, unless the use of PFAS in the covered product is considered unavoidable. This ban will happen in the stages:**
 - 1 January 2025, bans the use and manufacture of PFAS-containing Class B firefighting foam;
 - 1 January 2027, no person shall manufacture, sell, offer for sale or distribute for sale in the state any covered product that contains intentionally added PFAS; and
 - 1 January 2029, no person shall manufacture sell, offer for sale, or distribute for sale in the state any artificial turf or outdoor apparel for severe wet conditions containing intentionally added PFAS, unless it is accompanied by a legible, easily discernible disclosure that includes the following statement:
"Made with PFAS chemicals."



Colorado's PFAS Protection Act

- **Signed by the Governor 1 May 2024 (SB24-081)**
- **This measure intends to phase out certain consumer products with intentionally added PFASs. The bill changes current law by:**
 - 1 January 2025, prohibits the sale or distribution of outdoor apparel for severe wet conditions that contains intentionally added PFAS unless the product is accompanied by a disclosure;
 - 1 January 2026, bans the sale or distribution of domestic cleaning products, cookware, dental floss, menstruation products, ski waxes, and the installation of artificial turf that contain intentionally added PFAS; and
 - 1 January 2028, bans the sale or distribution of cleaning products that are floor maintenance products used in hospital or medical settings, textile articles, and more that contains intentionally added PFAS chemicals.

US Legislation by the Numbers: Sector Totals

- Historically personal care and food contact have always been the top two sectors
- This is the first year we've tracked packaging separately, and it has taken the top spot
- Extended producer responsibility is becoming more popular

Sector	Totals	
	All	Passed
Automotive and Aerospace	35	3
Built Environment	71	10
Children's Products and Toys	56	7
Cleaning Products	44	3
Electronics	79	12
Extended Producer Responsibility	84	4
Firefighting	49	8
Food Contact	95	10
Furniture	38	6
Medical Devices	29	3
Packaging	100	5
Personal Care Products	84	7
Recycling and Circular Economy	30	0
Retail	59	4
Textiles and Clothing	57	5

Minnesota's EPR for Packaging Bill

- **5th state to implement an EPR program for packaging**
- **Passed as part of a larger omnibus bill – HF 3911**
- **Covered materials packaging (paper, plastic, metal or glass), paper products and food packaging**
 - 1 January 2025 – producer responsibility organization must be appointed
 - 1 July 2026 – the PRO must be registered with the commissioner
 - 1 January 2029 – Annual registration requirements begin



Right to Repair Regulations for Electronic Products

This type of regulation is growing in popularity and is being considered in several states. Two examples of passed legislation include:

- Oregon's SB 1596 requires the original equipment manufacturer to make available to an owner of a consumer electronic equipment or an independent repair provider the tools required to repair the equipment. Takes effect 1 July 2027
- Colorado's HB24-1121 expands upon existing right to repair statutes in the state to include digital electronic equipment and adds exemptions for various types of digital equipment and outlines other restrictions for how manufacturers design their products. Takes effect 1 January 2026.





Latin America



Updates on the Region, what has happened in 2024?



- Mexico
- Brazil
- Colombia
- Peru
- Chile
- Argentina



Mexico

- **Chemicals:**
 - Updated the list of toxic substances regulated by CICOPRAFEST and increased customs regulations. (April)
- **Dangerous Goods:**
 - NOM 002- SCT-SEMAR-ARTF/2023.- List of Hazardous Substances and Materials (Dangerous Goods)
 - NOM-002-1-SCT-SEMAR-ARTF/2023, List of dangerous substances and materials (dangerous goods) - instructions and use of packaging/packaging, intermediate bulk containers (rig), large packaging/packaging, portable tanks, multi-element gas containers and bulk containers for the transport of dangerous goods
- **Medical Devices**
 - GMP for Medical Devices.- This draft standard is intended to establish the minimum requirements for the processes of design, development, manufacturing, storage and distribution of medical devices for human use.



Brazil

- **Food Contact Material**
 - RESOLUTION - RDC NO. 843, OF FEBRUARY 22, 2024 → Intermediate risk products will no longer require full registration.
 - RDC Nº 854, DE 4 DE ABRIL DE 2024 → Alignment with Mercosur's GMC 48/2023
- **Circular Economy Strategy**
 - Promoting the creation of more rules and regulations- and more enforcement- around collection and management targets (EPR schemes).
- **Cosmetics**
 - Resolution 2.384 of June 24.- prohibition of phenol based products in cosmetic procedures



Colombia

Resolution 0803/ June 24, 2024 →
regulates the implementation of the EPR
law (Law 2232/2022) and amends some
articles of Res 1407/2019 .



Important dates

GHS implementation:

- 13, April 2024 for mixtures

Substance Inventory:

- 30/May/2025 (reporting years 21,22,23)
- Sept 2025: reporting year 2024



Peru

- **Resolución Directoral No. 052-2024-DIGEMID-DG-MINSA.-**
 - Approval of the list of prohibited and restricted substances for the manufacture of baby products
- **Ministerial Resolution (206-2024) PRODUCE**
 - Approves the technical regulation on reusable plastic bags.
- **Draft Supreme Decree XXX- 2024 MINAM, approves the regulation that implements the Law for the Sound Management of Chemical Substances.**

Chile

- **Law 21.646.- Proposed rule to prohibit experimentation on animals in the preparation of cosmetic products**
- **EPR actions:**
 - Single Use Plastics and Plastic Bottles
 - Priority Products information gathering
 - Prohibition of use and sell of plastic bags
 - Draft Circular Economy Strategy for textiles



Type of substance	Reporting Deadline window
Industrial Use	Feb 9 - August 30, 2024
Non-Industrial Use substances	Feb 9 – August 30 2025
Substances in industrial-use mixtures	Feb 9 – August 30, 2027
Substances in non-industrial use mixtures	Feb 9 – August 30, 2029

GHS in Latin America

Country	Regulation	Version adopted
Argentina	SRT 801/2015	5 th
Brazil	NBR 14725	7 th
Chile (enforcement date for mixtures for industrial use: Feb, 2025)	DS 57/2019	7 th
Colombia (enforcement date for mixtures: April, 2024)	Decree 1496/2018 and Resolution 773/2021	6 th
Costa Rica	RTCR 481/2015	6 th
Ecuador	NTE INEN 2266:2013	1 st
Mexico	NOM-018-STPS-2015	5 th
Puerto Rico	OSHA Hazcom 2012* * Following US OSHA GHS implementation	3 rd
Peru	Decree 1570	6 th



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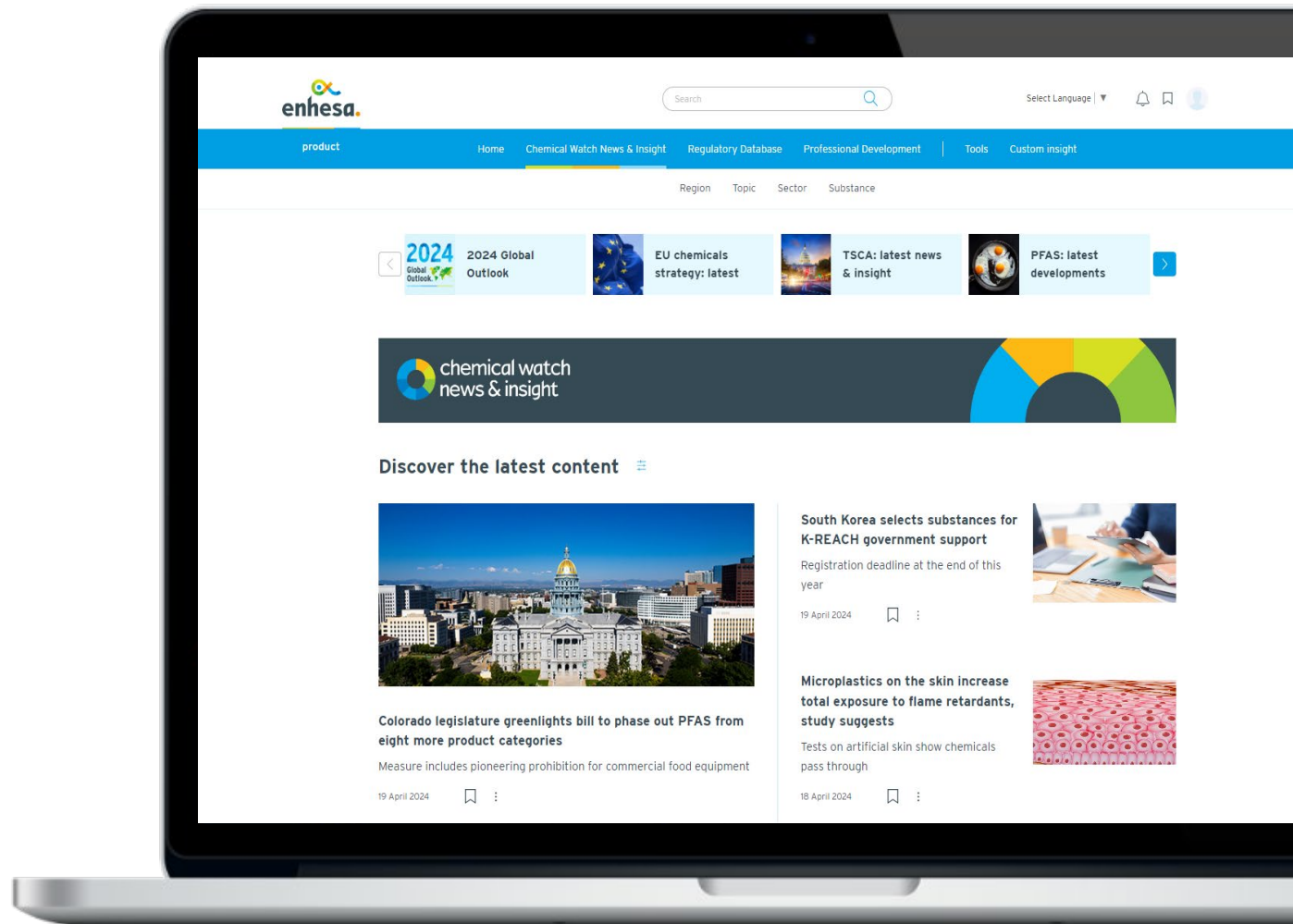


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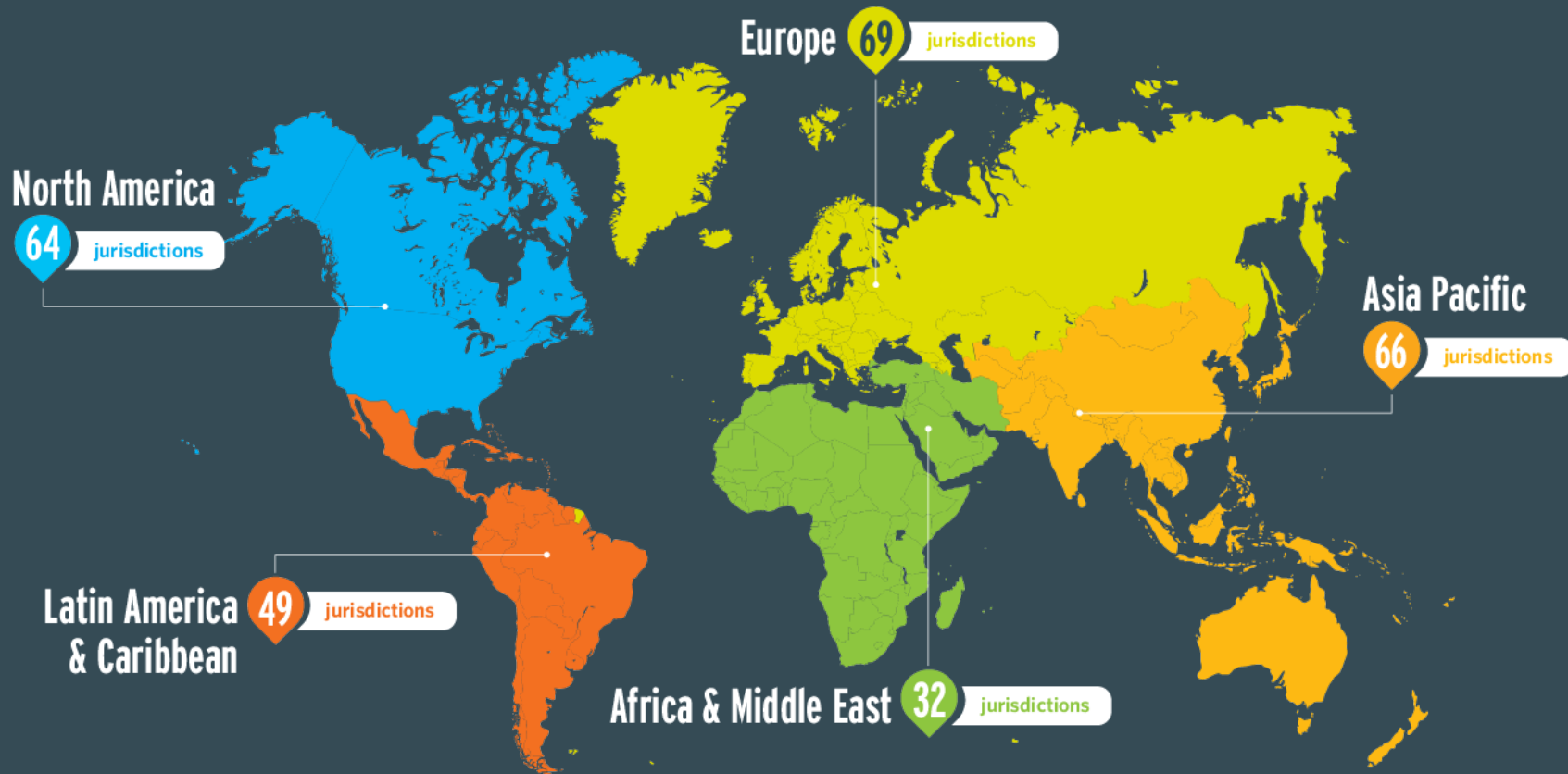


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