Polymer firms remain vigilant for new controls in Asia

Subtle – and sometimes not so subtle – differences in the assessment and management of polymers under national chemicals regulatory regimes undergoing change are keeping polymer producers and importers on their toes. Mamta Patel asks John Moore of John Moore Regulatory Services to review trends in Asia.

“Recent developments in South East Asia are mainly based on what might happen, rather than what will, or has recently happened,” says Mr Moore in summing up the uncertainty for polymer producers. For example, Taiwan has not yet implemented its new chemical notification scheme. This is expected to happen during 2014. After this, new polymers will require notification in Taiwan for the first time. No plans to focus on the monomers that they contain in combined form have been documented despite the precedent set by the EU REACH Regulation, he notes.

South Korea will similarly implement its new law - widely called Korea-REACH - under which new polymers will continue to require notification. However, of concern to producers and importers, is the apparent removal of a low volume threshold of 100kg/annum. “There is no volume trigger provided under which there will be an exemption from notification,” Mr Moore says, and “at this time information requirements for polymers are unknown.” He notes, however, that it has been stated that examination of polymers under K-REACH will not be based on the testing of the monomers that they contain in combined form, ie. a REACH-type approach will not be adopted.

For Indonesia, the Draft Law on Chemical Substance (Chemical Act) is still in Parliament for approval but is not expected to contain any special provisions for polymers or monomers that they contain in combined form. A similar situation prevails in Malaysia where health, safety and environmental notification requirements remain voluntary.

India, Thailand and Vietnam are strengthening their chemical control laws and it remains to be seen whether or not specific provisions will be made for polymers and monomers.

There has been relative stability in other Asian countries over the last few years, for example, in Japan the Chemical Substance Control Law (CSCL) was amended on 20 May 2009 bringing in a new polymer definition, inventory listing rules and criteria for defining 'polymers of low concern’ (PLC). The PLC criteria were adopted following a review by the Japanese government of accumulated safety data on polymers obtained under the CSCL assessment process and an OECD project on correlations between polymer characteristics and potential for health and environmental concern. However, Mr Moore concludes that “while the changes have improved workability and clarity of the PLC criteria, it remains a fact that polymers that meet PLC criteria under other national regulations still fail to meet the criteria of either the PLC or Polymer Flow Scheme in Japan.”

Although the PLC criteria in China are more similar to those in other parts of the world than in Japan, failure to attain PLC status for a product in either country signals the need for significant and often inappropriate testing, he warns.

Furthermore, in China and Japan, if new monomers imported or manufactured in these regions require notification, again extensive testing may be required – especially for higher volume materials.

Mr Moore advises companies that even seemingly subtle changes in polymer definition and exemptions, especially if they are applied retrospectively to existing laws can cause problems. Where new or amended laws are introduced, obtaining accurate translations of the new draft laws and implementation guidelines is a challenge that often needs to be met quickly in order to meet specific deadlines.
**Globally harmonising supply chain safety communication**

It was the turn of Asian delegates to seek information from European experts in two sessions on GHS and exposure scenarios on the third day of ChemCon Asia 2013.

During the Q&A session, they challenged the speaker panel with cases related to their obligations under REACH. One such question was on supply chain communication via eSDSs and in particular, who holds liability for accidents during transport caused by errors in a safety data sheet, especially when this might have passed through several different actors in the supply chain and possibly modified from the original manufacturer’s eSDS.

Another delegate quizzed the panel on whether there is any flexibility around the harmonised classifications in Annex VI of the EU Classification, Labelling and Packaging Regulation: What opportunities are there to use different classifications if a company has new information, he asked?

A further question was about the level of penalty charges imposed by EU enforcement authorities if they find errors in a safety data sheet.

Caroline Li of BASF made an interesting observation from the speaker panel following on from lengthy discussions concerning the efforts by EU authorities and industry to standardise guidance on preparing exposure scenarios to be communicated in eSDSs. She noted that REACH is sometimes regarded by authorities in Asia as the “holy grail” and that the complexity being introduced in Europe could be transported around the world as a result of this regulatory benchmarking.

Authority and industry speakers made an effort to point out that supply chain communication as required by REACH is a multi-step process. It starts with good substance identification and then proceeds with correct classification based on adequate hazard data, robust risk assessment, a consideration of how the relevant information might then be applied and communicated to customers on both substances and finally mixtures. Each of these steps still needs considerable work to make the system work properly, they agreed. “It’s not going to happen overnight.”

Speakers gave an update on GHS implementation in the Asia-Pacific region noting that several countries are still in the midst of transition periods for compliance with GHS alignment measures introduced in the last five or six years.

However, further news is still awaited on draft rules announced in India, Malaysia and the Philippines.

**Editorial**

All good things come to an end, but not yet! Today our focus is in the Asia-Pacific region with many regulatory changes in this important region. Our last session of this week is definitely a grand finale with a global approach to new chemicals.

I believe that all the information, knowledge and experiences you have shared and received at ChemCon Asia 2013 should help you to achieve compliance with the chemical control regulations around the globe in the coming period; at least until March next year when it is time to cross the Bosphorus bridge from Asia to Europe for ChemCon Europe 2014 in Istanbul (March 31st – April 4th).

I wish you all the best and am already looking forward to seeing you in Istanbul!

Tjeerd Bokhout