

BRAZILIAN DRAFT LAW ON CHEMICALS: Process of elaboration, main aspects and register system

MINISTÉRIO DO
MEIO AMBIENTE



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Background



National Commission on Chemical Safety (Conasq)

- Established in 2000;
- Multi stakeholder approach (22 institutions);
- Discuss all chemical safety issues, such as industrial chemicals, pesticides, mercury, lead in paints and many others.

Working Group under Conasq

- 16 meetings from May 2014 to December 2015
- The debate took in consideration other countries schemes, as well as regional and international legislation were used as benchmarking, but none of them were applied as model as such, mainly as reference.

** All the meetings reports are available, in Portuguese, at:

<http://www.mma.gov.br/seguranca-quimica/gestao-das-substancias-quimicas/gt-regulacao-de-substancias-quimicas-conasq>

Background

April 2016:
Conasq discuss the Draft and make some adjustments

June 2016:
Conasq approves the final text of the Draft and the Public Consultation starts

September 2016:
Public Consultation ends

November 2016:
Conasq is informed on the results of the Public Consultation

December 2016:
All the contributions are published

***** January 2017 - ongoing:** analyzing the contributions and debating its acceptance or rejection.

The Draft Law

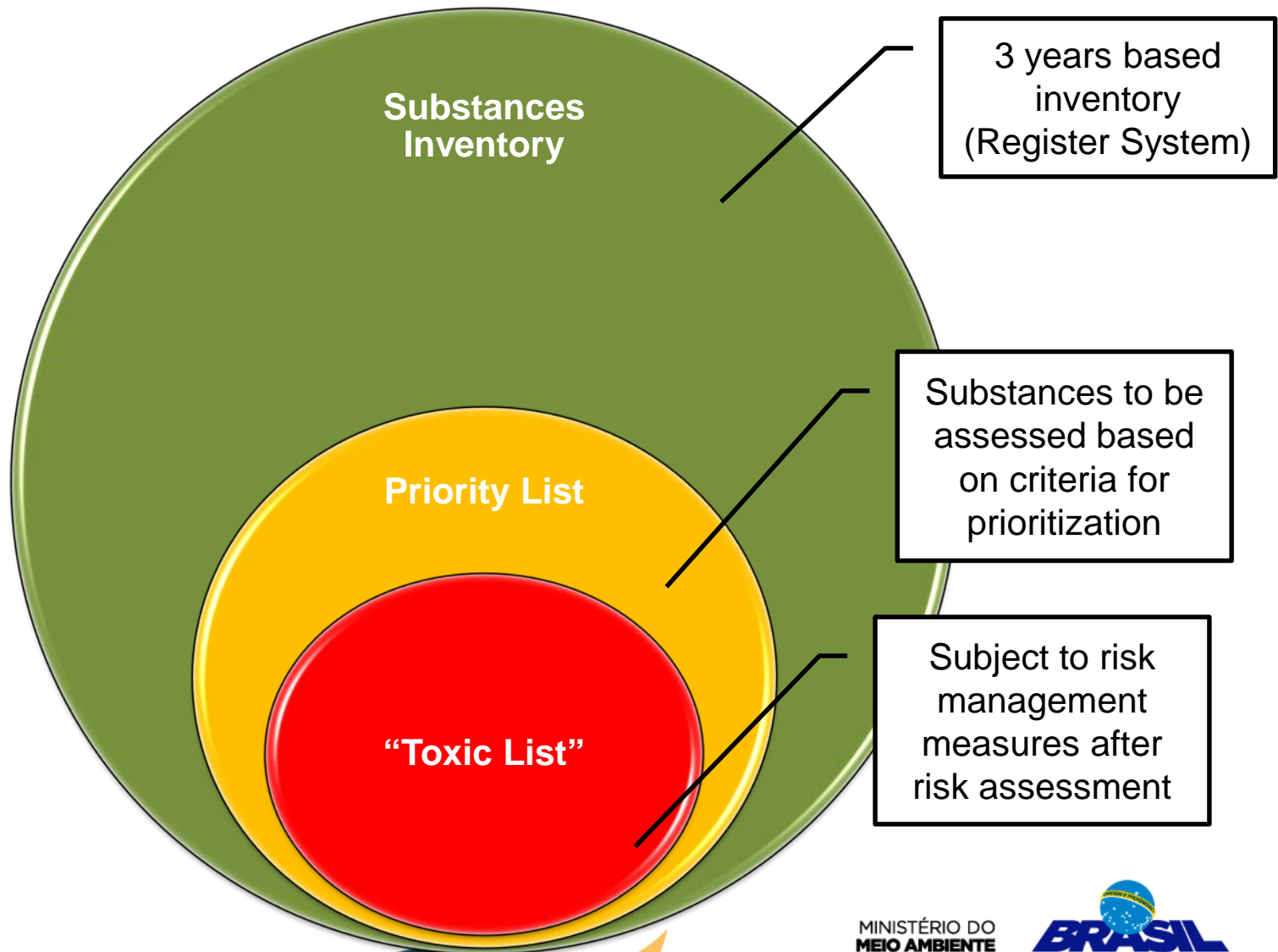
Goal: To minimize the adverse impacts on health and the environment resulting from production, import and use of harmful chemicals.

Sets:

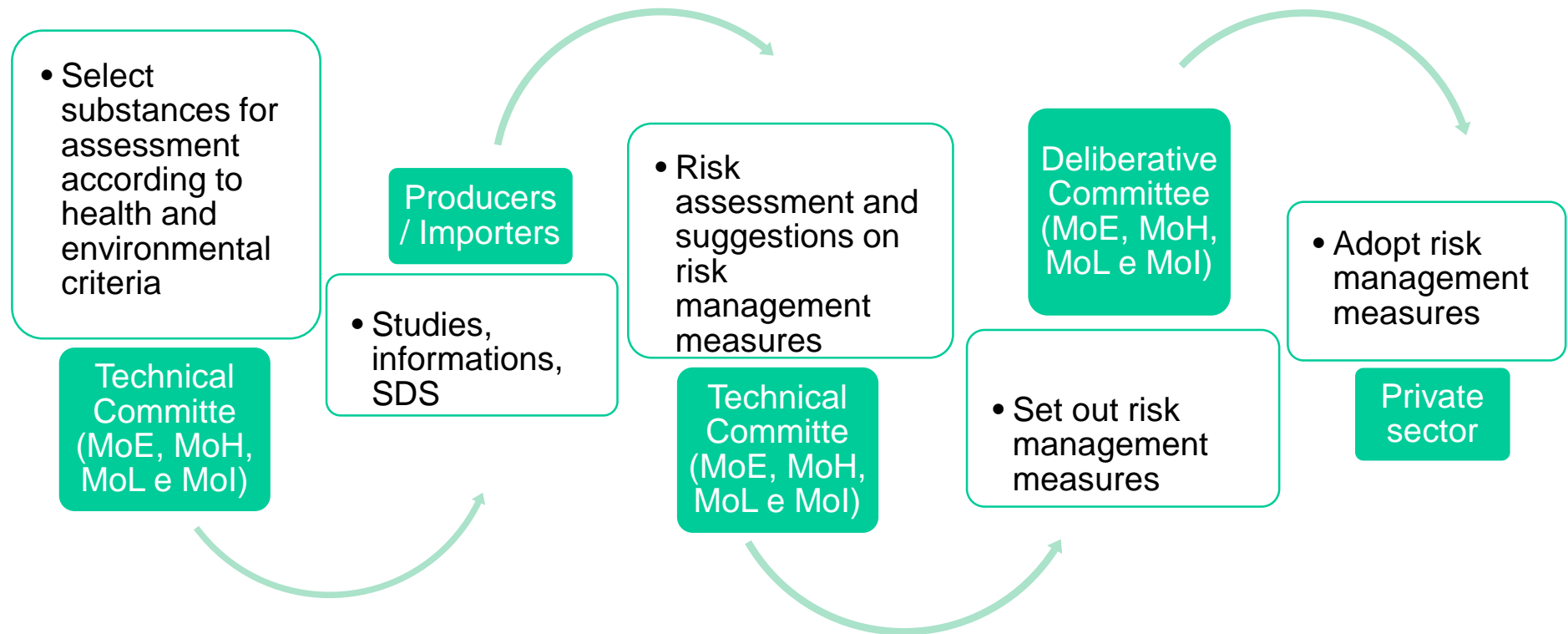
- Register System
- GHS as the classification system
- Risk based assessment
- Risk Management Measures
- Sanctions and penalties on non-compliance



The Draft Law



The Draft Law



MoE - Ministry of Environment
MoH - Ministry of Health
MoL - Ministry of Labour
Mol - Ministry of Industry

Register System / Substances Inventory

Registry of chemicals

Article 4. It is established the National Register System of Chemicals, to be implemented and maintained by the federal agency responsible for the environmental sector.

Registry of chemicals

Article 5. The producers and importers of industrial chemicals as such or present in intentional mixtures, in an amount equal to or greater than 1 (one) ton per year are required to provide the following information in the Register System of Chemicals:

- I- identification of the producer or importer company;
- II- identity of the chemical, according to the name and registration number in the Chemical Abstracts Service (CAS) and, where applicable, its structural formula;
- III- quantity range of production or import per year;
- IV- uses of the chemical;
- V- hazard classification according to GHS.

Registry of chemicals

Article 6. The period for registry in the System will be of 3 years, from the day of its creation, without any prejudice of current production or import activities.

§ 1 The production and import of chemicals as such or present in intentional mixtures shall be subject to prior registration in the System after the period of 3 years.

§ 2 The information in the System must be updated every time occurs changes on the uses, on the annually quantity range of production or import and on the hazard classification.

§ 3 It is ensured publicity to the contents of the System, safeguarded the secrets and confidentiality of personal, industrial and trade information.

Public Consultation-comments on the Registry

- Setting the possibility of a legal representative to include the information on the System.
- Setting the possibility of the exporter itself to include the information directly on the System.
- That information in English should be accepted.
- That just producers have the obligation to register, exempting the importers.
- That mixtures should be also registered and not only the substances in its composition.
- That the information should be updated annually.

Public Consultation-comments on the Registry

- Information regarding the uses: only for substances that met the criteria for assessment.
- Suggests that the Use Categories of OECD should be adopted and set out in the Registry System.
- Inclusion of UVCB substances on the scope of the law and on the Registry.
- That only a chemist or an equivalent professional could be able to include information on the Registry.
- Shorten the Registry period to 2 years instead of 3.
- Shorten the quantity to 100 kg instead of 1 ton/year to have obligations regarding the Registry.

Public Consultation-comments on the Registry

- To do not inform the CAS number of the substance, but just its generic name.
- To set out different approaches on existing and new substances.
- Suggests that when a substance is already registered in another country, a simply notification should be accepted in the Registry of Brazil.
- To clear define what could be considered confidential.
- To set strong mechanisms to protect confidential data.

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