

NEA's Summary of Responses to Feedback received from the Public Consultation on Proposed Control of 26 Chemicals as Hazardous Substances

The National Environment Agency (NEA) has concluded its public consultation on the proposed control of 26 chemicals as hazardous substances (HS) under the Environmental Protection and Management Act (EPMA) and Environmental Protection and Management (Hazardous Substances) Regulations (EPM(HS) Regs)¹. The 3-week public consultation was published on REACH platform at <https://go.gov.sg/nea-hsconsult22> from 13 June to 4 July 2022.

2 NEA received 52 responses during this public consultation. Generally, the respondents were supportive of NEA's proposed control of the 26 chemicals as HS and there were several suggestions as well as requests for clarification on the regulatory changes. NEA has prepared a summary of responses to the comments received below.

HS Licence/Permit Application and Requirements

1) How do I know if I need to apply for a HS licence/permit?

As part of the HS regulatory regime, companies that perform the following activities involving any of the 26 chemicals must obtain a HS licence or permit:

- a) Import, export, manufacture, offer for sale, transport, storage and/or use of the regulated chemicals – Companies will be required to obtain a HS licence.
- b) Purchase, storage and/or use of the regulated chemicals – Companies will be required to obtain a HS permit.

More information on the requirements and procedure to apply for a HS licence/permit can be found at the following websites:

- HS Licence: [https://www.gobusiness.gov.sg/browse-all-licences/national-environment-agency-\(nea\)/hazardous-substances-\(hs\)-licence](https://www.gobusiness.gov.sg/browse-all-licences/national-environment-agency-(nea)/hazardous-substances-(hs)-licence)
- HS Permit: [https://www.gobusiness.gov.sg/browse-all-licences/national-environment-agency-\(nea\)/hazardous-substances-\(hs\)-permit](https://www.gobusiness.gov.sg/browse-all-licences/national-environment-agency-(nea)/hazardous-substances-(hs)-permit)

2) When will the regulatory changes come into effect and when is it recommended to amend or apply for the Hazardous Substances (HS) licence/permit?

NEA intends to gazette the regulatory changes by Dec 2022. The changes will come into effect by Jun 2023. Companies are advised to amend their HS licence/permit (for existing HS licence/permit holders) or apply for a HS licence/permit (for first-time applicants) from 1 Jan 2023 onwards after the amendments to the Environmental Protection and Management Act (EPMA) and Environmental Protection and Management (Hazardous Substances) Regulations (EPM(HS) Regs) are gazetted. Companies must possess a valid HS licence/permit

¹ More information on the HS regulatory regime under the EPMA and EPM(HS) Regs can be found at <https://www.nea.gov.sg/our-services/pollution-control/chemical-safety/hazardous-substances/management-of-hazardous-substances>

to perform the specified activities involving the chemicals proposed to be controlled by Jun 2023.

3) Can I apply for a HS licence/permit now if I am currently performing activities involving at least one of the 26 chemicals proposed to be controlled?

Companies that are currently performing the specified activities involving the 26 chemicals are advised to amend or apply for the HS licence/permit from 1 Jan 2023 onwards.

4) I have recently amended/applied for my HS licence/permit and will need to apply again to amend my HS licence/permit when the regulatory changes are gazetted in Dec 2022. Is there a fee waiver for an amendment arising from this regulatory change?

No, NEA will not be granting any fee waivers for amendments to the HS licence/permit arising from this regulatory change.

5) Some items in the list of chemicals proposed to be controlled refer to chemical groups, therefore there are more than 26 distinct chemicals that will be controlled as HS. Will NEA share the specific chemicals under these chemical groups, with their Chemical Abstracts Service (CAS) Registry Number², so that the industry can correctly identify them?

NEA will provide a list of common chemicals that belong to these chemical groups, together with their corresponding CAS Registry Numbers. As the list of chemicals will not be exhaustive, companies should consult NEA when in doubt.

6) The 26 chemicals proposed to be controlled by NEA do not contain all the chemicals currently being regulated under Singapore Customs' Chemical Weapons (Prohibition) Act (CWPA) and Chemical Weapons (Prohibition) Regulations (CWPR)³. Do I also need to apply for HS licence/permit for the chemicals that are not in the list of 26 chemicals?

In addition to the 26 chemicals proposed to be controlled by NEA, NEA is today already co-regulating 9 other chemicals⁴ regulated under the CWPA and CWPR with Singapore Customs. Apart from these 35 chemicals, there are a further 12 chemicals under the CWPA and CWPR. Companies are advised to consult the Singapore Civil Defence Force (SCDF) and Singapore Customs on the control of the remaining 12 chemicals.

² CAS Registry Number is a unique numeric identifier for a specific chemical substance, which allows chemical substances to be easily identified. It is recognised internationally and can be found in many chemical databases.

³ More information on the CWPA and CWPR can be found at <https://www.customs.gov.sg/businesses/chemical-weapons-convention/legislation>

⁴ The 9 chemicals that NEA is currently co-regulating with Customs are (1) Amiton, (2) Arsenic trichloride, (3) Phosgene, (4) Cyanogen chloride, (5) Hydrogen Cyanide, (6) Chloropicrin, (7) Phosphorus oxychloride, (8) Phosphorus trichloride, and (9) Phosphorus pentachloride.

Proposed Control Measures

- 7) Under Singapore Customs' regulatory framework (i.e., CWPA and CWPR), several of the 26 chemicals proposed to be controlled have an exemption purity of 30% such that a CWC licence by Customs is not required for certain activities involving those chemicals. Will NEA adopt the same approach?**

NEA is proposing to regulate the 26 chemicals with the objective of protecting the environment and safeguarding public health and safety. NEA's concern is the environmentally sound management of these chemicals, but we are also cognisant of the need to balance this with the regulatory burden on industry.

NEA is therefore currently undertaking a more detailed review of the potential safety and environmental risks posed by these chemicals with a view to granting exemptions for low concentrations, where possible. NEA will notify companies, including HS licence/permit holders, of the outcome via a circular, which will also be published on the NEA corporate website. Companies may wish to provide NEA with information that is relevant for the review (e.g. safety data sheet, concentration of the chemicals present in mixtures/products and the storage quantity of the chemicals in your premises) by sending the information to NEA_PCD_HS@nea.gov.sg by 10 Nov 2022.

- 8) Are there exemptions for the chemicals proposed to be controlled if they are present in products or mixtures at low concentrations or as impurities?**

Trace quantities of the controlled chemicals present in products as unintended contaminants or impurities are generally exempted from the proposed regulatory control. Notwithstanding, companies may be required to submit supporting documentations (e.g. safety datasheets, analytical reports) to NEA for verification. (See the second paragraph of the response to question 7)

- 9) Are there exemptions for the chemicals proposed to be controlled if they fall below a certain threshold quantity or volume?**

No, HS licence/permit is required for companies performing activities involving any of the 26 chemicals proposed to be controlled regardless of quantity.

- 10) If the chemicals proposed to be controlled are being used in laboratory instruments or for laboratory analyses, can they be considered under "Laboratory Reagents except those in Annex I"⁵ in the HS licence/permit?**

The 26 chemicals will be added to Annex I. Therefore, they will not be considered under "Laboratory Reagents except those in Annex I" in the HS licence/permit even if they are being used for laboratory purposes. Applicants will be required to list these chemicals as specific HS in the HS licence/permit.

⁵ More information on the licensing requirements for HS being used as laboratory reagents can be found at <https://www.nea.gov.sg/our-services/pollution-control/chemical-safety/hazardous-substances/laboratory-reagents>

11) Is there a maximum allowable storage quantity for the chemicals proposed to be controlled?

Yes, there will be a maximum allowable storage quantity for the chemicals proposed to be controlled, which will depend on, among other considerations, whether pollution control, safety and security measures are present (e.g. emergency response plan, access control for authorised personnel), types and quantities of chemicals considered in the Quantitative Risk Assessment (QRA) study, if any. More information can be found at <https://www.nea.gov.sg/our-services/pollution-control/chemical-safety/hazardous-substances/management-of-hazardous-substances>.

3 NEA would like to thank all stakeholders who participated in this public consultation and your support and continued cooperation in the journey towards environmentally sound management of hazardous substances. We look forward to your active participation again in future public consultations.