



31 March 2022

(22-2613)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>THAILAND</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Department of Industrial Works (DIW), Ministry of Industry. <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>  WTO/TBT Enquiry Point and Notification Authority Thai Industrial Standards Institute (TISI), Ministry of Industry Tel: (662) 430 6831 ext. 2130 Fax: (662) 354 3041 E-mail: <a href="mailto:thaitbt@tisi.mail.go.th">thaitbt@tisi.mail.go.th</a> Website: <a href="https://www.tisi.go.th">https://www.tisi.go.th</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other :</b>
<b>4. Products covered (HS or CCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Hazardous Substances
<b>5. Title, number of pages and language(s) of the notified document:</b> Draft Notification of the Ministry of Industry on List of Hazardous Substances Act (No. x) B.E. xxxx; (8 page(s), in Thai)
<b>6. Description of content:</b> This draft notification aims at amending the list of hazardous substances under the Hazardous Substances Act. This proposed list involves the revision and inclusion of certain hazardous substances on the list of hazardous substances annexed to the Notification of Ministry of Industry on List of Hazardous Substances B.E. 2556 (2013) and its last amendments (B.E.2563 (2020)). The summary is as follows.  1. Department of Industrial Works (DIW) revises the control of 2 entries on List 5.1 as follows.  (1) Entry no. 202 triethanolamine, to add the condition under which this chemical will be regulated. The condition is "only concentration >30% w/w".  (2) Entry no. 247 benzyl cyanide, to be changed from type 1 to type 3.  includes Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, which are in the group of persistent Organic Pollutants (POPs), to List 5.1 as follows.  (1) Entry no. 526-533 (8 entries), to be classified as type 3 only being within the scope of specific exemptions under the Stockholm Convention on Persistent Organic Pollutants.  (2) Entry no.534-541 (8 entries), to be classified as type 4 in case of being outside the scope of specific exemptions under the Stockholm Convention on Persistent Organic

Pollutants, with the exception of being present as impurity with the concentrations not more than those specified in this draft Notification.

Perfluorooctanoic acid (PFOA), its salts and PFOA-related substances which will be regulated under this draft Notification include

- (1) perfluorooctanoic acid CAS no. 335-67-1
- (2) ammonium perfluorooctanoate CAS no. 3825-26-1
- (3) sodium perfluorooctanoate CAS no. 335-95-5
- (4) potassium perfluorooctanoate CAS no. 2395-00-8
- (5) silver perfluorooctanoate CAS no. 335-93-3
- (6) perfluorooctanoyl fluoride CAS no. 335-66-0
- (7) methyl perfluorooctanoate CAS no. 376-27-2
- (8) ethyl perfluorooctanoate CAS no. 3108-24-5

2. Food and Drug Administration Revises the control of 24 hazardous substances as follows.

List 4.1, 21 entries (entry no. 18, 31, 39, 41, 47, 51, 52, 74, 75, 94, 109, 110, 111, 137, 138, 152, 168, 173, 189, 208, and 209)

List 4.2, 1 entry (entry no. 3),

to amend the condition as follows.

"In products used in household or public health activity with purposes for inhibiting, preventing, controlling, destroying rodents".

List 4.3, 2 entries as follows.

(2.1) Entry no. 1, to adjust the name to "Products used in household or public health activity with purpose for inhibiting, preventing, controlling, destroying rodents"

and to add the exemption conditions as follows.

"Except products being under one of the following conditions.

Product containing essential oils from plant or animal as active ingredients.

Product mainly containing plant parts which may be processed such as cutting, grinding, chopping, slicing.

Product containing substances derived from plant or animal through the process of boiling, fermentation, extraction, combustion or any other processes without the addition of other substances intended to cause a chemical reaction as key ingredients.

However, the products under 1, 2 and 3 must not contain any synthetic chemicals as active ingredients."

(2.2) Entry no. 4, adding the exemption condition as follows.

"Except bleaching products containing enzymes as active ingredients and not containing synthetic chemicals as active ingredients."

3. Department of Livestock

- include "chlorpyrifos" to List 3.1 (entry no. 24) which is classified as type 4 hazardous substance with the condition as follows.

"In active ingredients or products containing active ingredients intended for preventing, destroying, controlling insects or animal pests (except parasites living in animals)"

4. The producer, importer, exporter, or possessor of the type 3 hazardous substance prescribed in this Notification having been in business before the effective date of this Notification shall submit an application for a licence within 30 days since the effective date of this Notification. If registration is required for any hazardous substance, application for registration must be submitted within the same time period.

<p>5. The producer, importer, exporter, or possessor of the type 4 hazardous substance prescribed in this Notification having been in business before the effective date of this Notification shall comply with the order of competent official within 180 days since the effective date of this Notification.</p>
<p><b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> To amend the List of Hazardous Substances by revising its type and condition as well as adding the new entry substances, the amendment will facilitate the proper measure on new concern substance control and it is also in line with the concern chemicals under Stockholm Convention on Persistent Organic Pollutants. It provides safety and benefit to human and environment.</p>
<p><b>8. Relevant documents:</b></p> <ol style="list-style-type: none"><li>1. Hazardous Substances Act B.E. 2535 (1992) and its amendments</li><li>2. Notification of the Ministry of Industry regarding the List of Hazardous Substances B.E. 2556 (2013)</li><li>3. Notification of the Ministry of Industry regarding the List of Hazardous Substances (No. 6) B.E. 2563 (2020)</li></ol>
<p><b>9. Proposed date of adoption:</b> To be determined</p> <p><b>Proposed date of entry into force:</b> From the date of its publication in the Kingdom of Thailand's Government Gazette.</p>
<p><b>10. Final date for comments:</b> 31 May 2022</p>
<p><b>11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></p> <p>WTO/TBT Enquiry Point and Notification Authority Thai Industrial Standards Institute (TISI), Ministry of Industry Tel: (662) 430 6831 ext. 2130 Fax: (662) 354 3041 E-mail: <a href="mailto:thaitbt@tisi.mail.go.th">thaitbt@tisi.mail.go.th</a> Website: <a href="https://www.tisi.go.th">https://www.tisi.go.th</a> <a href="https://members.wto.org/crnattachments/2022/TBT/THA/22_2449_00_x.pdf">https://members.wto.org/crnattachments/2022/TBT/THA/22_2449_00_x.pdf</a></p>