

A COMPARISON OF CHEMICAL SUBSTANCE CONTROL LAWS BETWEEN JAPAN, KOREA, CHINA, U.S. TSCA, AND EU 7th AMENDMENT

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Chemical substance regulations in Japan, Korea, China and the EU have either been greatly amended recently or are in the process of revision. This presentation will include the TSCA of the U.S. to the above, in comparing the notification of new chemical substances, control of existing chemical substances, labeling, MSDS, and the PRTR system to clarify the basic philosophy underlying the laws and their differences.

1. The Japanese Chemical Substances Control Law

This Law was enacted in 1973 to prevent harm to human health through the environment by substances similar to PCB. It was the first law to be enacted in the world to adopt the examination system of new chemical substances based on prior prevention. However, laws subsequently enacted in various other countries had the objective of protecting human health as well as the environment from potential risks. In 2003, the Japanese Chemical Substance Control Law was greatly revised to include the prevention of harm by chemical substances, to plants and animals in the environment, introducing an examination system that also focused on the emission of chemicals. In Japan, new chemical substance must also be notified based on the Industrial Safety and Health Law.

2. The Korean Toxic Chemicals Control Law (TCCL)

This Law was established in August 1990, and greatly amended in December 1996. Another amendment is now being considered in parliament to introduce the concept of risk assessment. The TCCL includes the Pollutant Release and Transfer Register (PRTR), while other countries have separate laws that obligate PRTR.

3. China

China had a registration system for importing chemical products, but a notification system for new chemical substances was promulgated by provisions in September 2003. These provisions stipulate the use of eco-toxicological data of new chemical substances including those

obtained through biological tests performed in China by application of China's test organisms.

4. TSCA of the U.S.

TSCA stipulates the notification of new chemical substances and tests for existing chemical substances with emphasis on reporting information.

5. EU

In October 2003, REACH was proposed to stipulate registration for existing and new chemical substances, compilation of chemical substance safety reports, and the registration of substances contained in articles under certain conditions, as well as incorporate Council Directive 92/32/EEC for classification, labelling, MSDS of dangerous substances, and new chemical notification, Council Regulation (EEC) No.793/93 for the evaluation and control of the risks of existing chemical substances, and Council Directive 76/769/EEC for restriction on the marketing and use of certain dangerous substances and preparations.

6. MSDS

In Korea and the U.S. MSDS is obligatory for certain toxic information only, but Japanese and Chinese laws stipulate a list of chemical substances for obligatory MSDS, while EU does both.

7. PRTR

The Korean TCCL has provisions for PRTR, but other countries have separate laws for it. Their contents have particular characteristics.

8 Labeling

Various countries are considering the application of the Globally Harmonized System of classification and labeling of chemicals (GHS).

9 Chemical substance regulations in various countries have their distinct characteristics that reflect their economic, social, cultural and historical conditions. We must recognize and understand their differences and embrace the progress in risk assessment and management of chemical substances that will prevent harm to human health and the environment, as well as bring about international harmony.

A comparison has been shown in the chart.

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