



In Transition: The State of Play of Latin American Chemicals Laws

June 21, 2021

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Overview

- International Drivers
- Commonalities
- Types of Existing Laws
- Future Directions

LATIN AMERICA

International Drivers



- **International Initiatives**
- **Trade and Economic Organizations**
- **Treaties**

TAKEAWAYS

- ✓ Assume adoption of major treaties – but with differences
- ✓ Awareness and dialogue about global chemicals issues

International Commitments

		ARGENTINA	BRAZIL	CHILE	COLOMBIA	COSTA RICA	ECUADOR	MEXICO	PERU
Basel Convention	Hazardous Wastes	X	X	X	X	X	X	X	X
Climate Change Convention & Paris Agreement	GHGs	X	X	X	X	X	X	X	X
Stockholm Convention	Persistent Organic Pollutants (POPs)	X	X	X	X	X	X	X	X
Rotterdam Convention	Prior informed consent procedure hazardous chemicals and pesticides	X	X	X	X	X	X	X	X
Minamata Convention	Mercury	X	X	X	X	X	X	X	X
Montreal Protocol	Ozone depleting substances	X	X	X	X	X	X	X	X
Chemical Weapons Convention	Chemicals used to make chemical weapons	X	X	X	X	X	X	X	X
Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Narcotics and Precursor Chemicals	X	X	X	X	X	X	X	X
GHS Adoption	Classification and Labeling of Chemicals	X	X	X	X	X	X	X	
OECD Members	Organization for Economic Co-operation and Development		KEY PARTNER	X	X	CANDIDATE TO JOIN		X	OUTREACH PROGRAM
MERCOSUR Members (also Paraguay, Uruguay, Venezuela (suspended))	Southern Common Market: Customs union and trading bloc	X	X	ASSOCIATED	ASSOCIATED		ASSOCIATED		ASSOCIATED
Andean Community Members (also Bolivia)	Customs union and trading bloc				X		X		X

Commonalities

- Chemicals **regulated by several agencies**: Health, Agriculture, Environment, Customs, Labor, Transportation
 - Jurisdictional overlap / not always coordinated
- **Numerous laws and regulations**
 - Determining applicability challenging
 - Variety of registrations / authorizations
 - Range of liability sources
- **Country-specific regimes**: often unique hybrids of international, US & EU laws

TAKEAWAYS

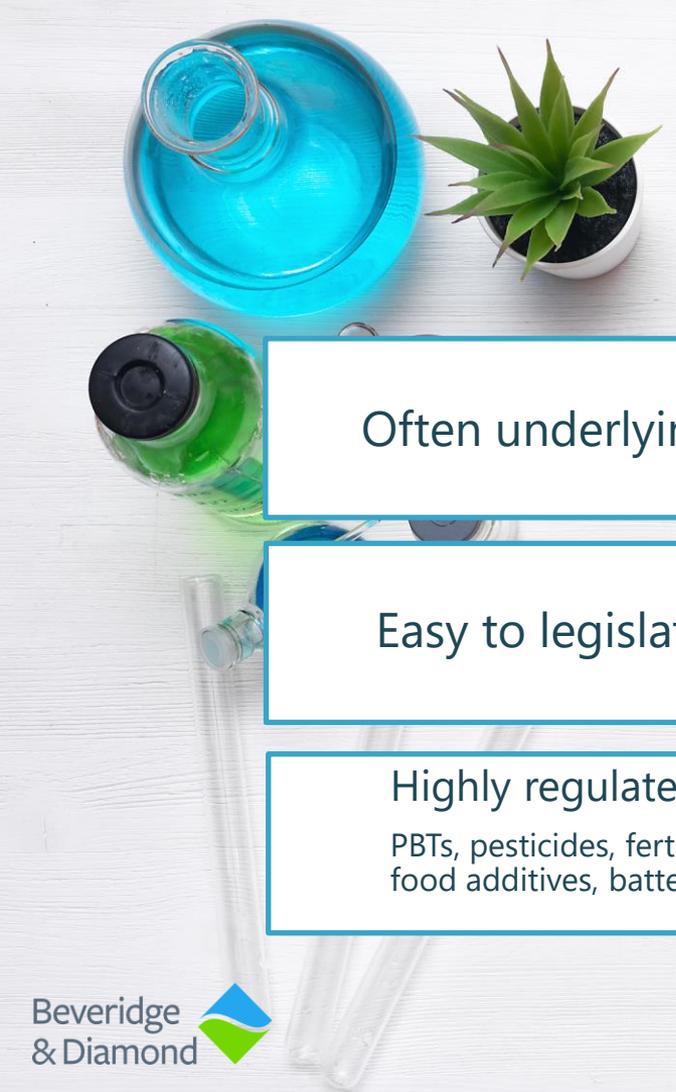
- ✓ May need extra time for compliance assessment
- ✓ Assume chemicals regulated by several government agencies
- ✓ Watch for unique regulations, even where there are international standards

Administrative Complexities Example: Mexico

Lifecycle Phase	Substance						
	Fertilizers	Pesticides	Toxic Substances	Minerals and Hydrocarbons	Pharmaceuticals	Food Additives	Explosives
Import and Export	Semarnat, Sagarpa, Ssa, SE, SHCP	Sagarpa, Ssa, Semarnat SE,SHCP	Semarnat, Ssa, SE, SHCP	SE, SHCP, SENER	Ssa, SE SHCP	Ssa, SE SHCP	Sedena, SE, SHCP
Registry	Ssa	Ssa	Ssa	Secofi, ASEA	Ssa	Ssa	Ssa
Process and Use	Semarnat, Ssa, Sagarpa, STPS	Semarnat, Ssa, Sagarpa, STPS	Ssa, SCT STPS	SE, STPS, SENER	Ssa, STPS	Ssa, STPS	Sedena, STPS
Storage	Ssa, SCT STPS	Ssa, SCT, STPS	Ssa, SCT STPS	SE, SCT, STPS, CRE	Ssa, SCT STPS	Ssa, SCT STPS	Sedena, STPS
Transport	Ssa, SCT, STPS	Ssa, SCT, STPS	Ssa, SCT STPS	SE, SCT STPS, Secofi, CRE	SCT	SCT	Sedena, SCT, STPS
Sale	Sagarpa, SE, Ssa	Sagarpa, SE, Ssa	SE, Ssa	SE, CRE	SE	SE, Ssa	Sedena
Occupational Health	Ssa, STPS	Ssa, STPS	Ssa, STPS	Ssa, ASEA	Ssa, STPS	Ssa, STPS	Ssa, STPS

Semarnat	Secretary of Environment
Ssa	Secretary of Health
Sagarpa	Secretary of Agriculture
SE	Secretary of Economy
SHCP	Secretary of Finance and Public Credit
SCT	Transport Secretary
Sedena	Defense Secretary
STPS	Secretary of Labor
Secofi	Secretary of Commerce and Industrial Development
SENER	Secretary of Energy
ASEA	The National Agency for Industrial Safety and Environmental Protection in the Hydrocarbons Sector
CRE	Energy Regulatory Commission

Source: COFEPRIS

A photograph of laboratory glassware including a round-bottom flask with blue liquid, a beaker with green liquid, and test tubes, alongside a small green succulent in a white pot, all on a light-colored wooden surface.

Chemical- and Sector-Specific Regulations

Often underlying international driver

Easy to legislate (single focus)

Highly regulated substances and products

PBTs, pesticides, fertilizers, pharmaceuticals, cosmetics, food additives, batteries, electronics, single-use plastics

TAKEAWAYS

- ✓ Highly hazardous and PBT chemicals likely to be regulated
- ✓ Certain products likely to be regulated

Toxic Release Inventories

Toxic Release Inventories (“TRI”)

- Mexico, Chile, Brazil
- Others reportedly underway
- Unique features

TRI Data Can Be Indicator for:

- Regulations/policy focus
- Publicly available: NGO activity/citizens’ suits



TAKEAWAYS

- ✓ Some countries will have TRI and other reporting requirements
- ✓ Potential for expansion to include products that will become or emit wastes
- ✓ Area to watch for developments; precursor to chemicals inventories

Chemical inventories

- **Typically no comprehensive inventory**
 - Argentina, Brazil, Chile, Mexico in process of developing
 - Use of **inventories likely to expand throughout region**
 - New / new-use chemicals largely unregulated
- **Default chemicals import/export lists; GHS lists**
 - Lists still have ambiguity
 - E.g., chemical + compounds, precursors, derivatives, mixtures
 - Import authorization ++
- **Not typically harmonized with any international standards**
 - REACH? TSCA?
 - Harmonization and data acceptance will be key

TAKEAWAYS

- ✓ No “inventories” like TSCA/REACH
- ✓ Use and scope of chemicals lists can be ambiguous
- ✓ Watch for developments

Chemicals in Products



- **Emerging priorities**
 - Inspired by SAICM, EU directives
 - Circular Economy—wide spread initiatives
 - Consumer safety: e.g., children’s products, paints
 - Plastics – packaging, single-use plastics, plastic bags
- **Regulation of chemicals over product life-cycle**
 - Product design (“DfE”) “hazardous substance” restrictions
 - Product testing & certification
 - Product labeling (disclosure of “hazardous substances”)
 - Product end-of-life producer responsibility

TAKEAWAYS

- ✓ Hazardous classification may be hazardous to your product
- ✓ Product safety: potential back-door to restrictions on “hazardous substances”

Looking Ahead

- Increasing focus on regulating “hazardous substances”
- Seepage of GHS classification into other areas of law
- More national chemical registries and inventories
- Regional spread of mix-and-match regulatory models
- “Harmonization” leads to diverse, unique compliance challenges
- Industry responsible for risk assessment and planning
- Regulatory regimes will be in transition for some time

Thank you!



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