



May 5, 2011

Minister Lee Maan-ee  
Ministry of Environment (MOE)  
88 Gwanmoon-ro, Gwacheon-si, Gyeonggi-do, 427-729,  
Republic of Korea

Dear Mr. Minister:

The United States Council for International Business (USCIB) welcomes the opportunity to comment on the draft regulation, “Registration, Evaluation, Authorization and Restriction of Chemical Substances (Ministry of Environment’s Public Notice 2011-74).

USCIB and its members, which include both chemical manufacturers and downstream users, support efforts to protect human health and the environment. We are actively engaged in the Strategic Approach to International Chemical Management (SAICM), chemicals and green economy discussions at the United Nations Environment Programme (UNEP), chemicals deliberations at the Organization for Economic Cooperation and Development (OECD) and at the Asia-Pacific Economic Cooperation (APEC) chemical dialogue.

We support submissions that other business organizations such as the American Chemistry Council have made with respect to the proposed regulation and rather than duplicate those comments, we would like to share with you some additional thoughts. USCIB members are global companies which must comply with a variety of national regulations including those specific to chemicals and chemicals in articles. Given our members’ expertise and knowledge in responding to those measures, we would like to specifically comment on how the proposed regulation relates to articles. Because of this experience, we believe we are uniquely positioned to provide comments that will contribute to the workability of the proposed regulation specifically as it relates to articles.

We believe that protecting human health and the environment is a fundamental priority. As such, we support measures that will prioritize agency and industry resources to ensure the achievement of these goals, rather than diverting resources to actions or procedures that will not increase protection of human health and environment. Our specific comments on the draft regulation “Registration, Evaluation, Authorization and Restriction of Chemical Substances (Ministry of Environment’s Public Notice 2011-74) are as follows:

- We support the exclusion of articles from all the provisions in the draft regulations. Korea has already taken steps to regulate chemicals in articles, by implementation of the “Waste Electrical and Electronic Equipment-Restriction of Hazardous Substances” and the “End of Life Vehicles” regulations for electronics and automobiles, respectively. In addition, the “Quality Management and Consumer Products Safety Management Act” restricts or prohibits certain substances in specific products such as children’s toys, food contact items, carpets and household detergents. MOE and other agencies have the authority to regulate or set standards for chemicals in some articles. Rather than a scheme that seeks to broadly control all articles, it is more practical and effective to take a risk-based approach that accounts for exposure as well as hazard. However, to the extent that the MOE does choose to include articles in some select ways, we recommend the following:
  - We support that articles be excluded from the registration as proposed in Article 15 (1) 3. This exclusion should not require a confirmation. The requirement that manufacturers or importers submit an application for confirmation of an exemption would be inefficient

and wasteful. To require an application for the exemption of articles (Article 15 (2)) would mean that Confirmation of Exemption would have to be obtained for any kind of product for example, tea cups, waste baskets, and rolls of tape and hence not an exemption in practice. The system will be much more efficient with self-implementing exemptions. Moreover, MOE can ensure compliance under its authority to perform inspections.

- To the extent that MOE intends to require notification for articles containing restricted substances as proposed in Article 37, we recommend requiring notification only if the substance is present in those articles in quantities totaling over 1 tonne per producer or importer per year.
- With regards to definitions, as more and more companies work at the global level, using definitions that conform to global standards is preferable and improves compliance and prevents obstacles to trade.

Thank you for your time and consideration of our comments. We would appreciate the opportunity to review the next version of the regulations before they are finalized and any forms that will be revised to meet the new regulations. We would be happy to provide you with more details or additional information as needed. We look forward to working with you in the future.

Best Regards,



Norine Kennedy  
Vice President,  
Energy and Environmental Affairs  
United States Council for International Business

Cc: Ms. Jee Yoon Lee, Director, Chemicals Management Division, MOE  
Mr. H. Y. Seo, Deputy Director, Chemicals Management Division, MOE  
Ambassador Kathleen Stephens, U.S. Ambassador to South Korea  
Michael Choi, Korea Desk, U.S. Department of Commerce  
John Meakem, Chemical Sector, U.S. Department of Commerce  
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USCIB Environment Committee

USCIB promotes open markets, competitiveness and innovation, sustainable development, human welfare and protection of the environment, supported by international engagement and prudent regulation. Its membership includes some 300 leading U.S. companies, professional services firms and associations, representing companies from all industrial sectors. As the exclusive American affiliate of three key global business groups – the International Chamber of Commerce, the International Organisation of Employers, and the Business and Industry Advisory Committee to the OECD – USCIB provides business views to policy makers and regulatory authorities worldwide, and works to facilitate international trade.

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