

2020 Global EHS Regulatory Forecast

# **Ennessa** Worldwide Compliance Intelligence

# The second states and states and

Moderated by:

Jessica Sarnowski, Head of Content Marketing & Thought Leadership at Enhesa

Presenters:

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# **GLOBAL COVERAGE. EXPERT ANALYSIS.**









#### WEBINAR AGENDA: 2020 GLOBAL EHS REGULATORY FORECAST

**Regulatory Forecast** 

North America
Latin America
Europe
Africa
Asia & Oceania

Conclusion

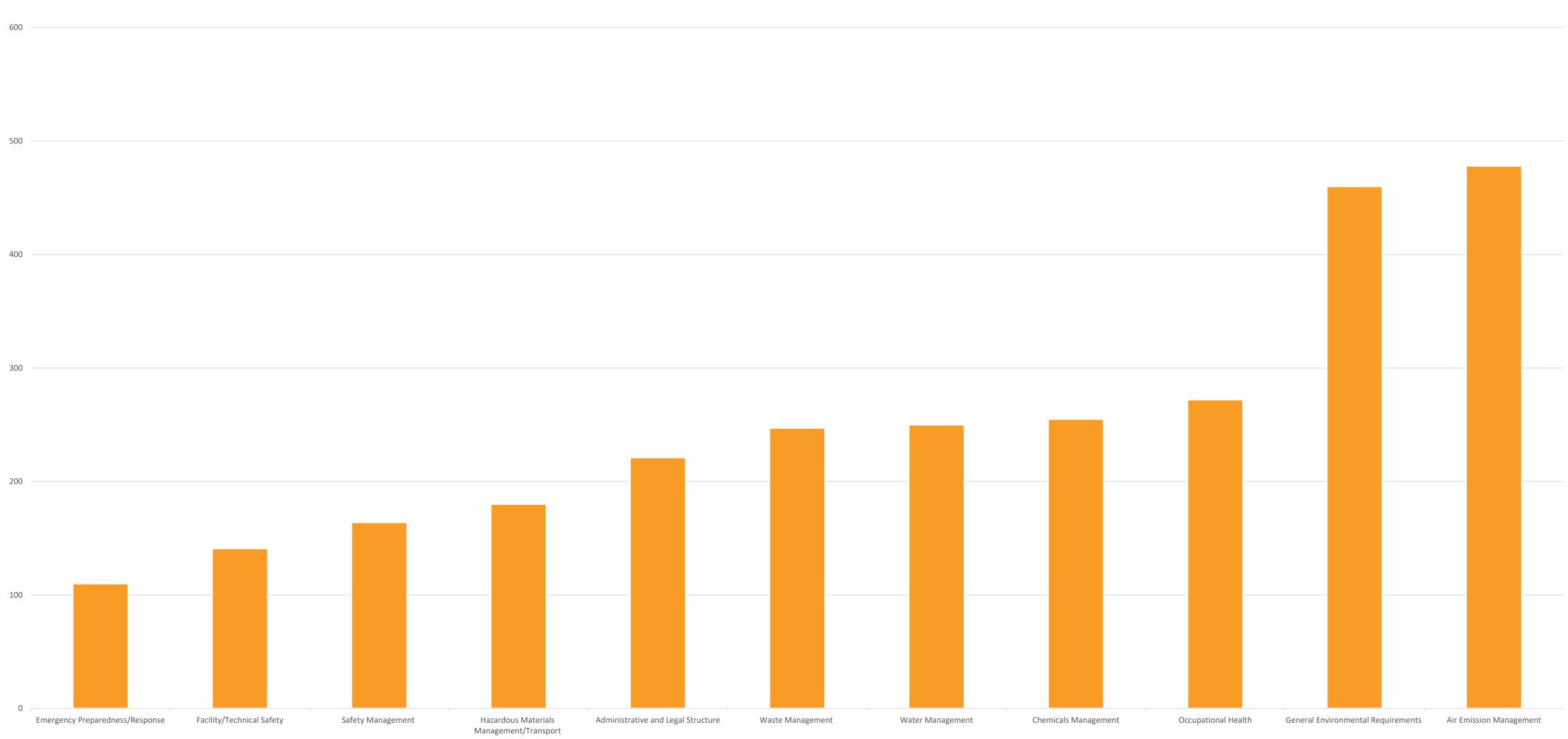
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## TRENDS: FINAL REGULATIONS





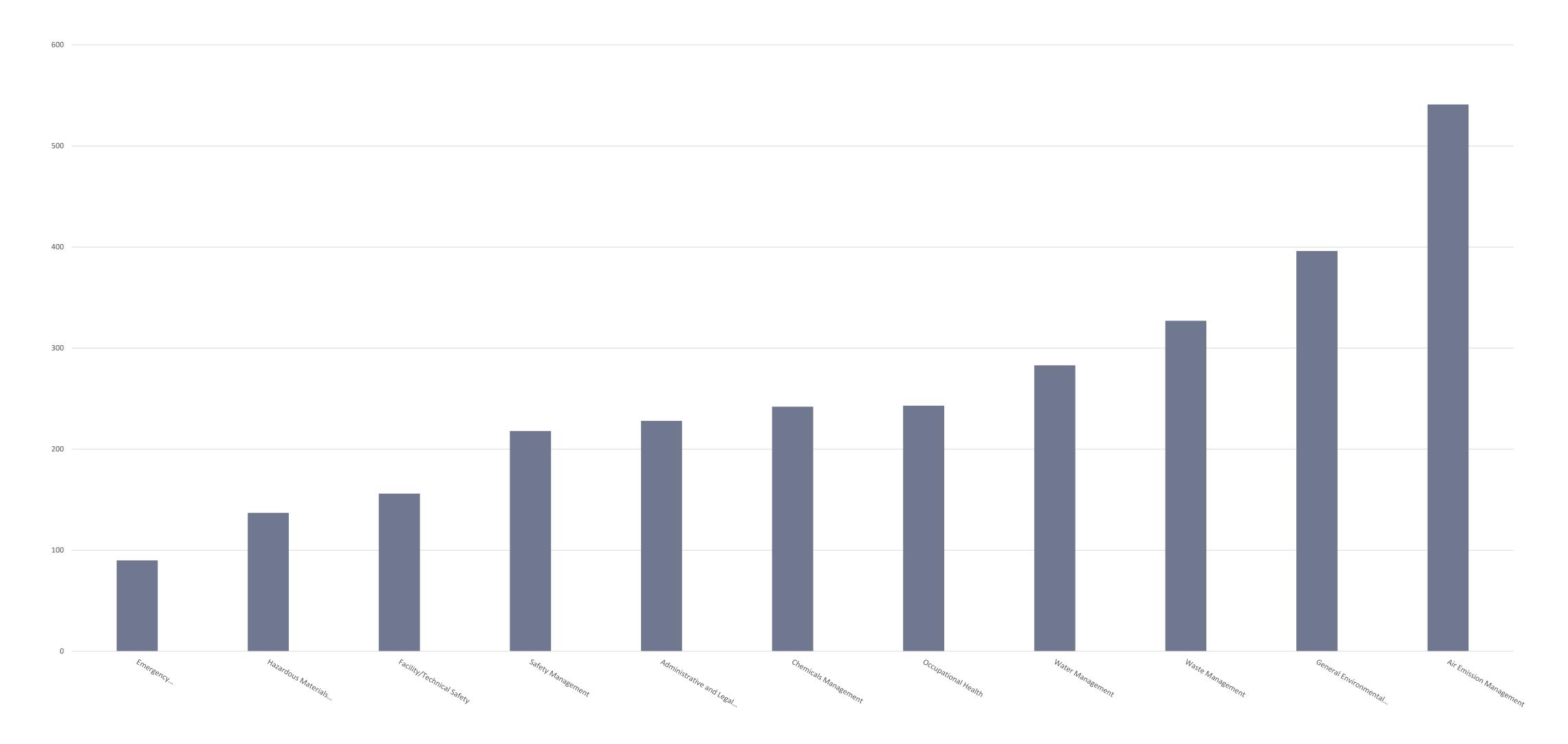






### TRENDS: PROPOSED REGULATIONS

Proposed Regulations Tracked per Heading (Nov 2018 - Nov 2019)





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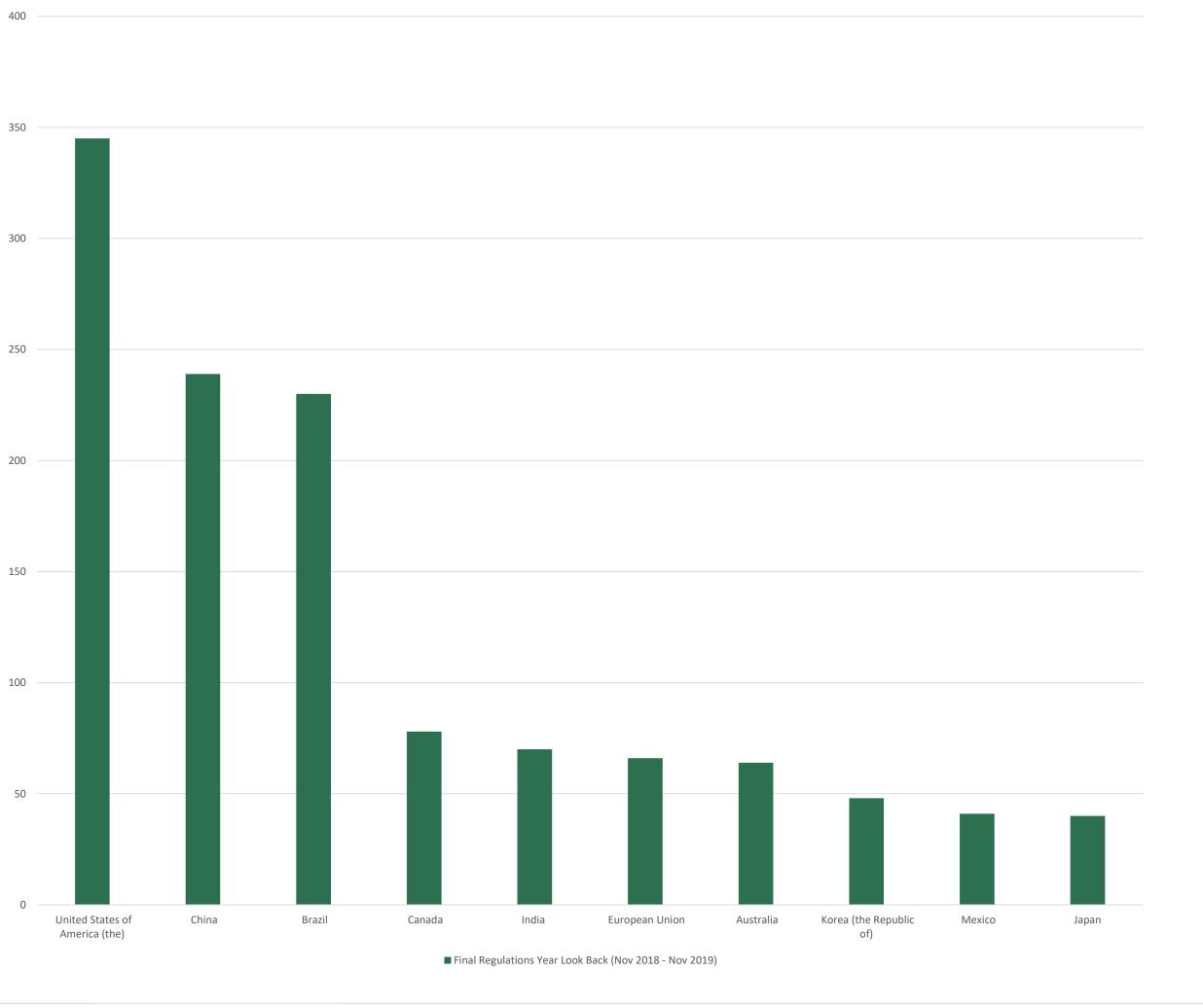
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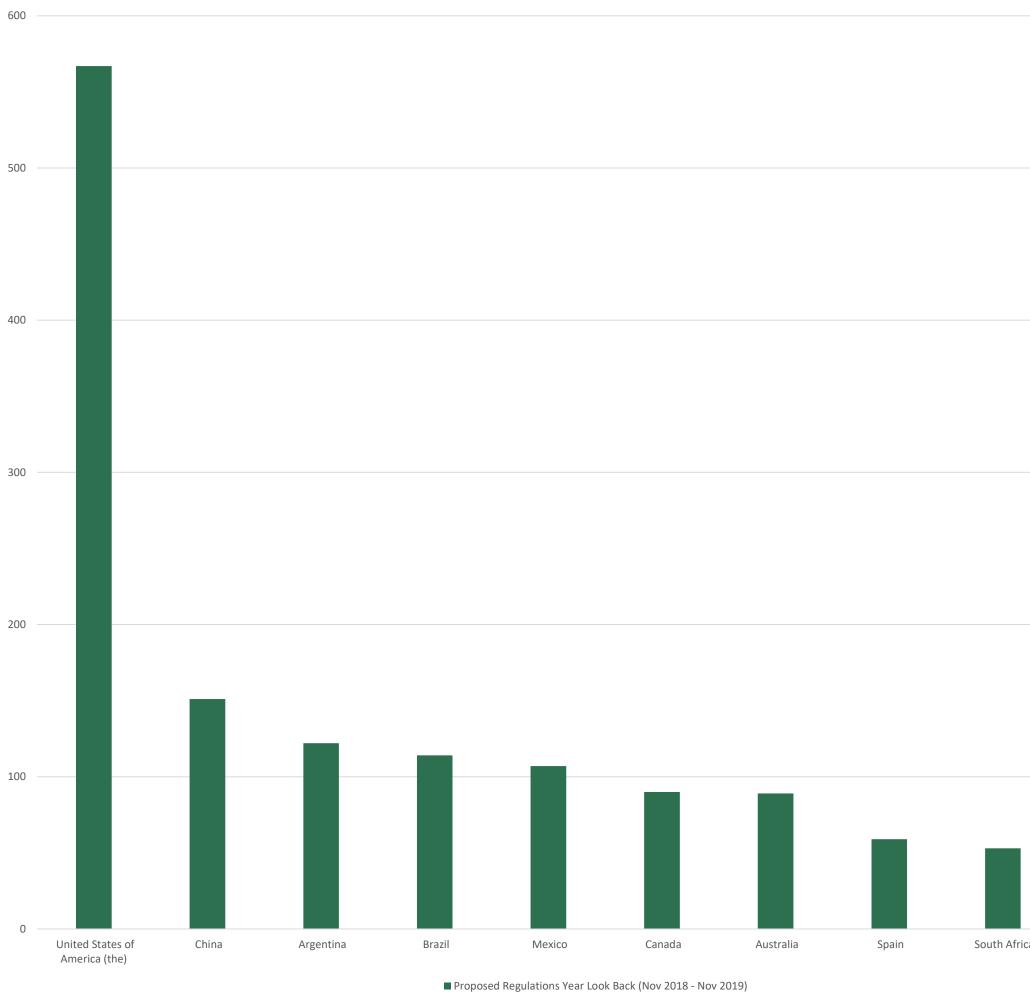


## TOP 10 COUNTRIES: FINAL AND PROPOSED REGULATIONS

Final Regulations Year Look Back (Nov 2018 - Nov 2019)







Proposed Regulations Year Look Back (Nov 2018 - Nov 2019)

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Note them on the post-webinar survey  $\Pi F$ 







## **PRACTICAL DETAILS**



#### **Today's Presenter**

Jessica Sarnowski, Head of Content Marketing & Thought Leadership at Enhesa

#### **Muting and Sound Quality**

- teleconference.

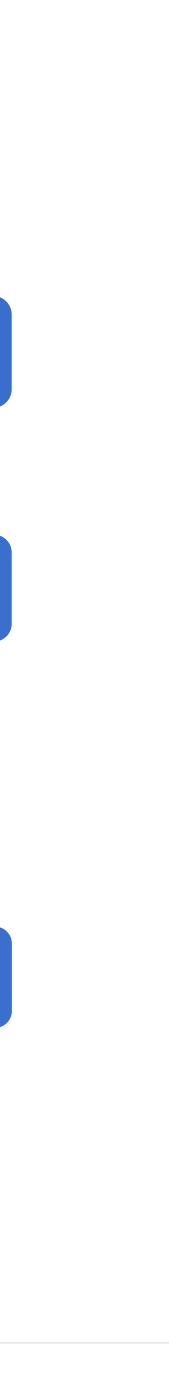
#### **Question and Answer**

We will try and answer as many questions as possible at the end of the presentation.



Due to the number of participants, we have muted everyone to ensure good sound quality.

• If you experience sound quality problems, please make sure you are using a wired connection with adequate bandwidth. If the problem continues, please call into the





#### TODAY'S PRESENTERS



Serena Anand



Nathalia Cortez





**Bernardo Kaiser** 



**Taylor Murphy** 



Abi O. Laniyan



**Evelyn Chuang** 





#### **GLOBAL REGULATORY FORECAST METHODOLOGY**













- 1. Brexit
- 2. Greenhouse gas elimination
- **3. Endocrine disruptors**
- 4. Single-use plastics ban





#### **Scenario I: A deal is reached**

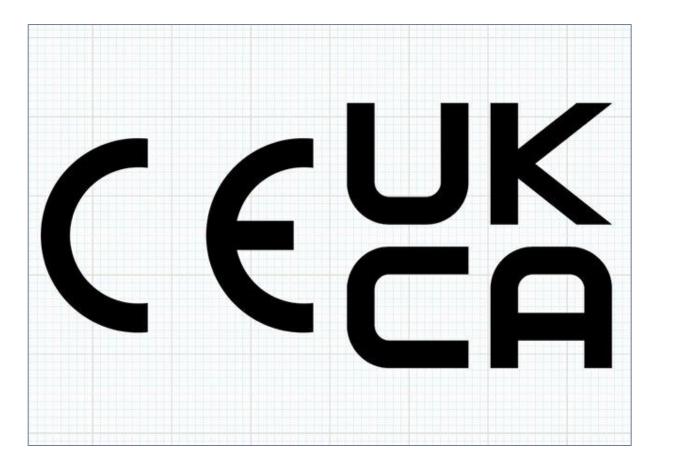
- Transition period during which old and new EU law will remain applicable in the UK
- UK would likely participate in Phase 4 of EU Emissions Trading Scheme

#### Scenario II: A "no-deal" withdrawal

- EU legislation ceases to have effect overnight
- Carbon Tax becomes mandatory (to replace EU ETS)
- **UK-REACH** becomes operational
- "UKCA" mark replaces "CE" mark









# EUROPE **GREENHOUSE GAS EMISSIONS REDUCTION**



#### **Countries with concrete legislation: Netherlands, United Kingdom**

- United Kingdom: legislated to achieve 'net-zero' by 2050
- Netherlands: 45% reduction of GHG by 2030, 95% by 2050 95% with carbon-neutral energy generation



#### Legislation/Guidance in the works: France, Germany, European Union

- France: Energy-Climate Act is in Parliament, would introduce several targets to achieve carbon neutrality by 2050
- Germany: Climate Protection Act in Parliament, would set industry and sector-specific greenhouse gas emissions limits. Climate Protection Program 2030 which aims for 2050 greenhouse gas neutrality
- European Union: EU Parliament adopted a non-binding resolution to achieve net-zero emissions by 2050









# FRANCE

- Published the second national strategy on endocrine disruptors
- exposure limits and more



## **EUROPEAN UNION**

- Legislation could follow



# EUROPE **ENDOCRINE DISRUPTORS**

Strategies include compulsory information systems, monitoring industrial activities, occupational

Established priority list of 28 potential endocrine disruptors not covered by Regulation 1223/2009 Comment period on scientific information on the safety of potential endocrine disrupting ingredients





# **EUROPEAN UNION**

#### **European Union Directive 2019/904:**

- Will need to be transposed by Member States by July 3, 2021
- Complete ban on certain products, including products made out of oxo-degradable plastic, cotton bud sticks, contains made of expanded polystyrene
- Design and marking requirements with clear, standardized labelling for other categories

- Will also be legislating on a single-use plastics ban by summer 2020, as announced by Norwegian Government earlier this year
- Ban would affect plastic cutlery, plates, plastic cotton buds, stirrers and more—additional products would be banned at a later stage



# EUROPE **SINGLE-USE PLASTICS**

















## 1. Modernization of occupational Safety and ealth **Regulatory standards (nrs)**

- 2. Single-use plastics, plastic bags, and microplastics in cosmetics
- 3. Dam safety
- 4. Environmental licensing process
- 5. Waste recycling and energy creation
- 6. Atmospheric emissions
- 7. Pregnant and breastfeeding employees



# LATIN AMERICA TRENDS



## LATIN AMERICA **MODERNIZATION OF OCCUPATIONAL SAFETY AND** HEALTH REGULATORY STANDARDS (NRs)



- Announced the modernization of the 36 Occupational Safety and Health Regulatory Standards (NRs) in 2019 and the consolidation and simplification of labor decrees.
- The schedule below shows the dates in which the NRs are expected to be revised. The program is currently late as, until November 2019, the NRs 1 and 2 were revoked and the NRs, 3, 12, 24, and 28 were updated. Therefore, the rest of the NRs are expected to be revised next year in 2020.

CONSULTA PÚBLICA	NORMA REGULAMENTADORA	DATA DA REUNIÃO DA CTPP	NRs PAUTADAS		
	NR4 - SESMT	14 e 15/08/2019 17 e 18/09/2019	NR3 - Embargo e interdição		
jul/19	NR5 - CIPA		NR24 - Condições de higiene e conforto		
	NR18 - Construção civil		NR15 - Anexo 3 - Calor		
	NR7 - PCMSO		NR20 - Inflamáveis e combustíveis		
		15 e 16/10/2019 21 e 22/11/2019	NR4 - SESMT		
ago/19	NR9 - PPRA		NR5 - CIPA		
	NR17 - Ergonomia		NR7 - PCMSO		
	NR10 - Instalações elétricas		NR9 - PPRA		
out/19	NR31 - Rural		NR17 - Ergonomia		
	NR29 - Portuário		R15 - Anexo 13A: Benzeno + ANCERIGENOS		
nov/19	NR30 - Aquaviário		NR18 - Construção civil		
NR32 - S	NR32 - Serviços de Saúde	10 e 11/12/2019	NR15 - Anexos 1 e 2 - Ruído		













## BRAZIL

Proposals to institute strict plastic regulations: Retailers would not be allowed to distribute plastic bags to consumers; facilities with onsite canteens could be prohibited from distributing plastic straws; and facilities could be banned from producing, importing, distributing or commercializing any cosmetics which contains microparticles of plastic, plastic bags or disposable plastic utensils.



#### **COSTA RICA**

Proposal to ban the distribution, commercialization, production and import of disposable products made with polystyrene



Proposal to ban plastic straws in establishments such as canteens and eating areas



Companies importing, marketing or producing goods made of polymers must be registered in the "Manufacturers, Importers and Distributors of Polymer Goods' Register" and report the quantity, weight and technical information on the polymer-based products they put on the market annually



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# LATIN AMERICA **BAN OF SINGLE-USE PLASTICS, PLASTIC BAGS AND MICROPLASTICS**

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# LATIN AMERICA **BAN OF SINGLE-USE PLASTICS, PLASTIC BAGS AND MICROPLASTICS**



# MEXICO (NUEVO LEON)

Included the prohibition of importing, marketing, or producing disposable plastic products made of plastic polymers in its updated proposal for the State's new Environmental law



# MEXICO (QUERETARO)

Included an obligation of the state and Municipalities to design plastic reduction programs in its updated proposal for the State's new Environmental law



# MEXICO (COAHUILA)

Companies must substitute plastic bags for biodegradable ones, with a life cycle of not more than 10 years, starting on January 16, 2020







- The PAE would have to be maintained and updated as long as the dam was in work and during its publication of the proposal.
- the closure of the dam, its destruction and criminal penalties for its operators.



# LATIN AMERICA **STATE POLICIES ON DAM SAFETY**

• Proposals in the Federal Level to change the National Dam Safety Policy (Política Nacional de Segurança de Barragens - PNSB) and determine that companies with mining operations and those with water reservations would have to provide and maintain an Emergency Action Plan (Plano de Ação de Emergência - PAE) for any dam considered of medium or high risk with detailed provisions, including rescue measures, environmental damages mitigation plans, descriptions of preventive and corrective actions for emergencies and so forth. decommission period. The proposal would change Law 12.334/10, prohibiting any upstream dams and requiring the decommissioning of any existing upstream dam in a maximum deadline of 3 years from the

• Companies would be prohibited from installing dams if communities were found to be in the way of the water flow if the dams were to rupture as well as be required of removing any such existing dams. Finally, if the company failed to comply with such requirements, it would be liable to a series of sanctions, including fines,













- (Lei Geral de Licenciamento Ambiental).
- similar to those already licensed may be exempted or subject to simplified licensing environmental studies presented and approved, to be made available electronically.
- According to the project, the environmental licensing process would need to be fully be made available on the Internet.



# LATIN AMERICA **ENVIRONMENTAL LICENSING PROCESSES**

Since the change of the head of the Federal Government in January 2019, BRAZIL has been observing several changes in the environmental area. Among the main changes which will be still discussed in 2020, is the project for a streamlined new Environmental Licensing Process

According to the Law Proposal 8062/14, the licensing procedure would be optimized through, for example, the fact that facilities located in the same area of influence and under conditions procedures. To make this possible, the licensing agencies would create a database from the computerized within a maximum period of two years and the progress of the process should



# LATIN AMERICA WASTE POLICIES (RECYCLING AND ENERGY PRODUCTION)



Companies would be encouraged to use and produce renewable energy from forest biomass and companies providing electrical power through the thermal treatment of urban, industrial waste, hospital or sewage sludge, and holding a Residual Energy Certificate (Certificado de Energia do Resíduo - CER) would be entitled to a monthly direct subsidy from the Federal Government. The national solid waste policy would be amended to introduce the monitoring of the waste from its handover to waste transporter towards its final destination, to ensure its adequate and environmental correct disposal.





# LATIN AMERICA WASTE POLICIES (RECYCLING AND ENERGY PRODUCTION)

## **ARGENTINA**

Proposal introduced which would institute quotas for companies to recycle their waste based on their raw material.

Until December 31, 2020,

- 60 % of the weight of glass packaging waste would have to be recycled
- 50 % of the weight of metal packaging waste would have to be recycled
- 22.5 % of the weight of plastic packaging waste would have to be recycled and transformed into reusable plastic
- 15 % of the weight of wood packaging waste would have to be recycled.
- have to be reduced in, at least, 60%
- recycled



• 60 % of the weight of paper and carton packaging waste would have to be recycled

• Furthermore, by 31 December 2020, the weight of packaging waste incinerated would

by 30 June 2020, between 25 % and 45 % of all packaging waste would have to be







# LATIN AMERICA WASTE POLICIES (RECYCLING AND ENERGY PRODUCTION)



Companies storing and managing waste would have to follow stricter requirements for waste storage sites, regulated in Peruvian Technical Standard 900.058:2019

## 

Mexico will be moving to a circular economy by the end of 2020



# MEXICO (STATE OF MEXICO)

Proposal of specific regulations for the management, treatment and final disposal of waste in Comprehensive Waste Centers – CWCs.



# **MEXICO (MICHOACAN)**

Proposal for companies to provide a waste Management Plan to State Officials, pointing out the final destination of the waste generated and prioritizing recycling centers for their final treatment and reutilization









# **COLUMBIA AND PERU**

The Second Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (Kigali Agreement) requires its member states to control the consumption of hydrofluorocarbons, gradually reducing the use of these chemicals on a yearly basis



# ARGENTINA

Proposal to declare a Climate Emergency—the country would have to reduce greenhouse gas emissions by 2030 and reach 0 net emissions by 2050, as well as strive for an energy consumption program based 100% on renewable energy



# **DOMINICAN REPUBLIC**

Proposal would require companies to report to National Institute on Climate Change the volume of greenhouse gases it emitted in 30 days

Companies will be subject to prevention programs for the emission of particulate matter (PM), sulfur dioxide (SO2), carbon monoxide (CO) and nitrogen oxide (NOx)



# LATIN AMERICA **ATMOSPHERIC EMISSIONS**

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# LATIN AMERICA PREGNANT AND BREASTFEEDING EMPLOYEES



## **ARGENTINA, ECUADOR, THE DOMINICAN REPUBLIC, PROVINCE OF BUENOS AIRES (ARGENTINA),** MICHOACAN(MEXICO)

Proposals to require companies to have nursing rooms in their facilities if they employ over 50 female in child-bearing age or 1 employee currently breastfeeding.



## **COSTA RICA**

Proposal to require companies to install nursing rooms in their facilities any time they have 1 employee breastfeeding



# ARGENTINA

Proposal requiring companies to extend an employee's pregnancy leave in 90 to 120 days in accordance with the severity of a difficult pregnancy



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# THE UNITED STATES & CANADA TRENDS

## **The United States**

- **1. Continuing environmental deregulation**
- 2. Pushback from the courts and the states
- 3. New source review permitting program
- 4. Rights of female workers

## Canada

- 1. Carbon levies: Federal v. State
- 2. Harassment in the workplace





# THE UNITED STATES **CONTINUING ENVIRONMENTAL DEREGULATION ON** THE FEDERAL LEVEL

The U.S. Environmental Protection Agency (EPA) continues to rollback federal environmenta standards under the current administration

- June 2019: EPA released the final Afforda **Clean Energy** (ACE) Rule and repealed the **Clean Power Plan**
- September 2019: EPA announced that it, with the U.S. Army, repealed the 2015 Ru **Defining the Waters of the United States** (WOTUS)



(EDA)					
(EPA) al		53 ROLLBACKS COMPLETED	32 ROLLBACKS IN PROCESS	85 TOTAL ROLLBACKS	
·	Air pollution and emissions	10	14	24	
able e	Drilling and extraction	9	9	18	
	Infrastructure and planning	12	1	13	
, along ule s	Animals	9	1	10	
	Toxic substances and safety	4	1	5	
	Water pollution	5	2	7	
	Other	4	4	8	

Nadja Popovich, et al., 85 Environmental Rules Being Rolled Back Under Trump, NY TIMES (12 September 2019).





While the federal administration has increased regulatory rollback, there has been noticeable pushback from environmental groups, states and the courts.

- The Clean Air Act (CAA): DC Circuit Court ordered EPA to reinstate the Chemical 2017
- January 19, 2017
- rollback the CAA and Climate Rules
- Hawaii: Banned pesticides despite EPA delaying its decision on whether to ban



# THE UNITED STATES **PUSHBACK FROM THE COURTS AND THE STATES**

**Disaster Rule – Risk Management Plan** that was originally published on January 13,

• Oregon: Legislature passes bill to keep in place federal standards as they existed on

• Colorado: Sued the administration on some rollbacks. For example, EPA's attempt to





EPA proposed an amendment that would simplify the New Source Review (NSR) program to allow for more cost-effective and simplified program for modifying existing sources.

This rule would make it clear that both emissions increases and decreases from a major modification at an existing source must be considered during Step 1 of the 2-step NSR applicability test.



# THE UNITED STATES **NEW SOURCE REVIEW PERMITTING PROGRAM**





#### TEXAS

House Bill 541 entitles a mother to express breast milk in any location where the mother is otherwise authorized.

#### OREGON

House Bill (HB) 2593 amended state statute so companies must provide reasonable rest periods and private locations for breastfeeding.

#### WASHINGTON

Companies must provide reasonable break time and convenient location for employees to express milk



# THE UNITED STATES **RIGHTS OF FEMALE WORKERS**

#### **NEW YORK**

FY2020 Budget for protections for breastfeeding accommodations and unlawful pregnancy discrimination

#### WASHINGTON, D.C.

Reasonable accommodations for workers whose ability to preform job functions are limited due to pregnancy, childbirth, or breastfeeding



#### **FEDERAL CARBON TAX**

- above its applicable emissions limits.

#### **STATE PUSHBACK**

- Some states have pushed back on the federal regulation. For example:
  - Ontario: appealing Court of Appeals ruling to the Supreme Court of Canada
  - Alberta: Bill 1, An Act to Repeal the Carbon Tax



# CANADA **CARBON LEVIES: FEDERAL V. STATE**

Under the federal scheme, if the net GHG emissions of a cover facility exceed the limits prescribed, the facility is required to provide compensation measures for GHG emissions

States can develop their own scheme, but will be subject to the federal tax if they do not



### **FEDERAL REGULATIONS**

- Bill C-65 will come into force in 2020 and is meant to protect employees from harassment and violence in federally regulated workplaces.
- Federally regulated workplaces, such as banks, will be subject to the strengthened requirements to prevent and respond to harassment and violence and support those affected by it.

### **STATE REGULATIONS: NEWFOUNDLAND**

- Beginning on January 1, 2020, employers will have to comply with more stringent requirements to protect workers against workplace violence and harassment For example, employers must now develop, implement, and maintain a written harassment
- prevention plan



# CANADA HARASSMENT IN THE WORKPLACE













# AFRICA & THE MIDDLE EAST TREND

### **1. Ban on Plastic Products** 2. Climate Change & Legislation 3. Enforcement: Fines, Imprisonment & Closures







### 

#### Kenya will continue to enforce its expanded ban on plastic bags

- 2017 Plastic bags banned
- 2019 Ban expanded to include previously exempt non-polypropylene bags
- To date 500 arrested, 300 prosecuted, 80% compliance rate
- Penalties of up to 40,000 USD and 4 years in prison

### **SOUTH AFRICA**

#### South Africa may roll out a tax on single use plastics

- use of single use plastic to be enforced beginning in 2020



# AFRICA & MIDDLE EAST **BAN ON PLASTIC PRODUCTS**

2019 – Department of Environmental Affairs and the National Treasury are considering a tax on

Unclear how enforcement of this tax will change from enforcement of 2004 levy on certain plastic products, which has been shown to be largely unsuccessful, as use of plastic bags has continued







#### Tanzania will no longer permit the circulation of a broad range of plastics

- management sectors

## **★** GHANA

#### Ghana will consider a ban on selected plastic products

- industry for redesigning and recovering plastics.
- No plans of an outright ban on plastic crucial to medical and industrial sectors

Proposals for a ban on single-use plastics circulated within Egyptian and Nigerian legislatures



# AFRICA & MIDDLE EAST **BAN ON PLASTIC PRODUCTS**

2019 – Ban on the use, import, export, sale, storage, supply or manufacture of plastic bags Broad scope - bags of plastic film of any thickness, without or without handles or gussets Exemptions - medical, industrial, construction, agricultural, food processing, sanitary and waste

October 1, 2019 - the Ghana's first Plastics Management Policy will lay the foundation for a new









## **SOUTH AFRICA**

#### South Africa will collect a "carbon tax" at least through January 1, 2023

- 8.00 USD) per tonne of CO2
- Offsets and allowances of up to 95% available for some companies

## 

projects affecting the environment



# AFRICA & MIDDLE EAST **CLIMATE CHANGE LEGISLATION**

Companies involved in operations that generate greenhouse gases ("GHGs") such as the use of a machine that combusts fuel of above 10 thermal megawatts annually for a manufacturing process, for instance, must pay an initial marginal carbon tax of 120 South African Rand (approximately

#### Mali will integrate climate change into environmental impact assessments and other assessment of

Environmental impact assessments must now include an assessment of climate change issues These regulations will be particularly significant for the large gold mining industry









## AFRICA & MIDDLE EAST **CLIMATE CHANGE LEGISLATION** THE UNITED ARAB EMIRATES

# economic growth

- and Environment integrates all previous Plans with this goal into this plan



## KENYA

#### Kenya will introduce a regulatory framework for the emissions of greenhouse gases

- Under its Strategic Plan for 2019-2023, Kenya plans to regulate GHG emissions
- Concrete goals include

  - **Promoting programs on Carbon Neutrality**



The United Arab Emirates will continue to act to manage greenhouse gas emissions while sustaining

Under the as-yet-unpublished National Climate Change Plan 2050, the Ministry of Climate Change The goals of this plan will likely be met through regulations on emissions or pricing

Supporting the reduction and monitoring of greenhouse gas (GHG) emissions

Advancing implementation of climate change duties into public and private entities

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# AFRICA & MIDDLE EA **ENFORCEMENT: FINES, IMPRISONMENTS & CLOSU**



# **Regulations of 2006**

- 1 company director arrested; 7 companies shut down; 25 facilities demolished and 51 facilities brought into compliance
- National Environmental Management Authority will continue to ensure facilities' compliance with the Water Quality Regulations through inspections, closures and arrests



- Kenya will continue to heavily enforce the world's strictest ban on plastic products 500 arrests; 300 prosecutions; individuals fines of up to 150,000 Kenyan Shillings (approx. 1,800 USD)
- Kenya's Strategic Plan 2019-2023 counts enforcement as a success and announces the government's intention to continue to enforce its penalties



Kenya will continue to ramp up enforcement of the requirements of the Water Quality

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# AFRICA & MIDDLE EAST **ENFORCEMENT: FINES, IMPRISONMENTS & CLOSURES**

## GHANA

# facilities down for "endangering lives and polluting the environment"

- 2 steel manufacturers shut down for emanating smoke
- Task force deployed
- Facilities must be prepared to display evidence if compliance with all applicable regulations



The Environmental Protection Agency (EPA) will continue to shut down factories and other







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### **1. Environmental Protection** 2. Chemical Management **3. Health and Safety**



# ASIA & OCEANIA TRENDS





# ASIA & OCEANIA **ENVIRONMENTAL PROTECTION: AIR EMISSIONS LIMITS**



- Volatile Organic Compounds (VOC) emission
- Restriction on building coal-fired boilers
- Toxic and hazardous air pollutants announced



## TAIWAN, INDONESIA, SOUTH KOREA

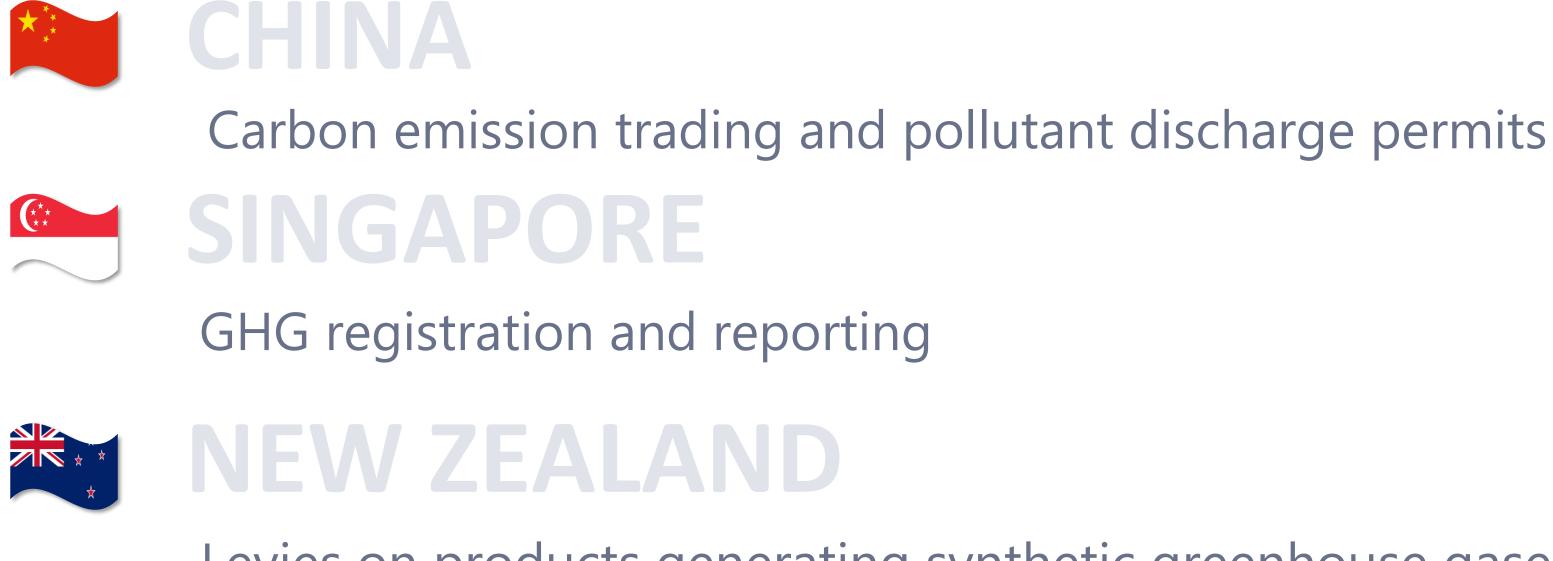
- Emission standards in polyvinyl chloride (PVC) and ethylene dichloride (EDC)
- Stricter limits on particular matter (PM), sulfur dioxide, nitrogen dioxide and lead
- power plants



Emission limits on generating ammonium nitrate and benzo[a]pyrene and operating thermal



# ASIA & OCEANIA **ENVIRONMENTAL PROTECTION: GREENHOUSE GAS CONTROL**



Levies on products generating synthetic greenhouse gases



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# ASIA & OCEANIA **ENVIRONMENTAL PROTECTION: WASTE CONTROL**



- Bans on importing foreign waste
- From Industrial waste to household waste



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- Free of single-use plastics by 2022
- Local enforcement



### **SOUTH KOREA**

- Reduction on the usage of plastic by 2030
- **Recycling responsibilities**



# ASIA & OCEANIA **ENVIRONMENTAL PROTECTION: PLASTIC BANS**



## ASIA & OCEANIA **CHEMICAL MANAGEMENT: REGISTRATION AND EVALUATION OF CHEMICAL SUBSTANCES (REACH-LIKE LEGISLATION)**



- Relieved registration for small amounts of new chemical substances
- Focus on environmental risk assessment and chemicals with high toxicity



## **SOUTH KOREA**

- characteristics
- Streamlined procedure for the registration of new chemical substances



- **Concern Chemical Substances and related management measures**
- **Chemical Management Funds**



• Transition periods for existing chemical substances by annual operation amounts and



# ASIA & OCEANIA **CHEMICAL MANAGEMENT: STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS**



Restrictions on production, distribution and usage of POP and related products







# ASIA & OCEANIA CHEMICAL MANAGEMENT: MINAMATA CONVENTION ON MERCURY



Ban on fluorescent lamps, batteries and non-electrical measure instruments containing mercury







## ASIA & OCEANIA **HEALTH & SAFETY: EMERGENCY RESPONSE MANAGEMENT** FOR PRODUCTION SAFETY



- Emergency response system for production safety
- Implementation of emergency response plans
- Higher production safety fees





## ASIA & OCEANIA **HEALTH & SAFETY: PREVENTION OF VIOLENCE, HARASSMENT AND STRESS AT THE WORKPLACE**



Health counseling for overtime workers and prevent disadvantageous actions against harassment victims

### **SINGAPORE**

Special court for harassment protection

## SOUTH KOREA

Appropriate reactions responding to workplace harassment



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# ASIA & OCEANIA **HEALTH & SAFETY: NO SMOKING ENVIRONMENT**



- Ventilation system in a smoking room must effectively prevent passive smoking



Office buildings and public places like retail stores must have non-smoking areas





