



Environmental Health & Safety Audit Protocol Germany 2022

STP ComplianceEHS (STP) announces the release of its recently updated EHS audit protocol for Germany. This audit protocol, which covers relevant federal EHS requirements, was previously updated in March 2020. The regulatory date for the current release is March 2022.

new and noteworthy

● **REACH:** Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 Concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), Establishing a European Chemicals Agency, amending Directive 1999/45/EC and Repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (REACH) has been amended as follows:

- Commission Regulation (EU) 2021/979 of 17 June 2021 amending Annexes VII to XI to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals;
- Commission Regulation (EU) 2021/2030 of 19 November 2021 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards N,N-Dimethylformamid;
- Commission Regulation (EU) 2021/2045 of 23 November 2021 amending Annex XIV to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals; and
- Commission Regulation (EU) 2021/2204 of 13 December 2021 amending Annex XVII to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), as regards Carcinogenic, Mutagenic or Reproductive Toxicant (CMR) Substances.

These amendments impact the Annexes of REACH. While the Annexes of REACH are not reproduced in their entirety in the protocol, they are referenced throughout the following protocol sections:

- Section 8.0 – PCBs;
- Section 9.0 – Asbestos; and
- Section 16.0 – Chemical Management.

release notes

please review

- **CLP Regulation:** Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on Classification, Labelling and Packaging of Substances and Mixtures, amending and Repealing Directives 67/548/EEC and 1999/45/EC, and Amending Regulation (EC) No. 1907/2006 (CLP Regulation) has been amended as follows:
 - Commission Delegated Regulation (EU) 2021/643 of 3 February 2021 amending, for the Purposes of its Adaptation to Technical and Scientific Progress, Part 1 of Annex VI to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on Classification, Labelling and Packaging of Substances and Mixtures; and
 - Commission Delegated Regulation (EU) 2021/1962 of 12 August 2021 correcting Annex VI to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on Classification, Labelling and Packaging of Substances and Mixtures.

These amendments impact Annex VI of the CLP Regulation. While Annex VI of the CLP Regulation is not reproduced in its entirety in the protocol, it is referenced throughout Section 16 – Chemical Management.

highlights of this release

Section 2.0 – General Environmental

- The deadline for emissions reporting was updated in Subsection 8 – European Pollutant Release and Transfer Register as it applies for the requirements of the *SchadRegProtAG*.
- The *Environmental Impact Assessment Act (Gesetz über die Umweltverträglichkeitsprüfung - UVPG)* was replaced with a new version on 18 March 2021. This Act establishes which projects are subject to the preparation of an environmental impact assessment. The *Environmental Damage Act (Gesetz über die Vermeidung und Sanierung von Umweltschäden – USchadG)* was replaced with a new version on 5 March 2021. This Act establishes liability for, and remediation measures in case of, contamination of the environment, if the damage occurred after 30 April 2007. There were no significant changes.

Section 3.0 – Air Emissions

- Minor updates were made in Subsection 15 – Incineration of Wastes/Combustible Materials due to amendments to the *Seventeenth Ordinance of the Federal Immission Control Act (17.BImSchV)*. Similarly, updates were made to Appendix 3-F (previously 3-G), “Emissions Limits for Co-Incineration of Waste”.
- Minor updates were made in Subsection in Subsection 16 – due to amendments to the *Forty-fourth Ordinance to the Federal Immission Control Act (44.BImSchV)*.
- Updates were made to Subsection 17 – Greenhouse Gas Emission Allowance Trading and Permitting, including the addition of a new question, due to amendments to the *Greenhouse Gas Emission Allowance Trading and Permitting Act (TEHG)*.
- A new version of the Technical Instructions on Air Quality Control (TA Luft) and the *Thirteenth Ordinance of the Federal Immission Control Act (13.BImSchV)* was published in August 2021. However, no substantive changes were made.

Section 4.0 – Solid and Hazardous Waste

- A minor update was made in Subsection 10 – Waste Oil due to amendments to the *Waste Oil Ordinance (AltöIV)*.
- A new question was added to Subsection 12 – Sludge due to amendments to the *Ordinance on the Treatment of Sludge (AbfklärV)*.
- Updates were made to the list of categories in Appendix 4-A (previously Appendix 4-B), “Electrical and Electronic Equipment” as a result of amendments to the *Act Governing the Sale, Return and Environmentally Sound Disposal of Electrical and Electronic Equipment (ElektroG)*.

Section 5.0 – Water Resources

- Minor updates were made in Subsection 1 – Water Use Permitting due to amendments to the *Water Act (WHG)*.

Section 6.0 – Above and Below Ground Tank Management

- Updates were made to Subsection 1 – Tanks Storing Substances Hazardous to Water, including the addition of a new question, due to amendments to the *Ordinance on Facilities for Handling Substances Hazardous to Water (AwSV)*.
- A new question was added to Subsection 2 – Tanks and Installations Storing Hazardous Substances to incorporate labelling requirements for filling and emptying equipment for storage tanks. Another new question was also added to this subsection to incorporate requirements regarding procedures for potential spills of hazardous substances from stationary and mobile storage tanks.

Section 9.0 – Asbestos

- Two questions were added to Subsection 2 – Asbestos-Containing Release Agents and *Lubricants to expand upon and clarify requirements in TRGS 517*.

Section 10.0 – General Health and Safety

- Subsection 9 – Accident and Injury Reporting and Record Keeping was updated due to the repeal of the *Guideline on Documentation of First Aid Activities (BGI 511-01 / DGUV-I 204-020)*. The Guideline is no longer effective because it does not align with data privacy protections that have been put in place through the GDPR legislation.

Section 11.0 – Equipment, Machine and Electrical Safety

- Subsection 3 – Welding, Cutting and Brazing was updated, including the addition of new questions, to incorporate provisions from the *Technical Rules for Hazardous Substances – Welding and Similar Activities (TRGS 528)*. These Rules were published in February 2020 and detail requirements for welding and similar work on metallic materials where gaseous and particulate hazardous substances may be generated. Similarly, new Appendix 11-B, “Emission Rates and Groups for Welding Processes” was added to include a table that details the assessment of various welding, cutting and brazing processes based on emission rates with assignment to emission groups.

release notes

please review

Section 13.0 – Fire Safety

- Subsection 1 – General, several questions were updated as a result of amendments to *ArbSchG*, *BGI 847/DGUV-I 205-003*, *BGI 560/DGUV-I 205-001*, *ArbStättV*, and *TRGS 510*.
- As a result of amendments to *TRGS 510*, additional updates were made throughout the following:
 - Subsection 2 – Storage of Flammable Materials
 - Subsection 3 – Storage of Oxidizing Materials
 - Subsection 4 – Storage of Acutely Toxic Substances
 - Subsection 6 – Areas with a Danger of an Explosion

Section 14.0 – Transport of Dangerous Goods

- References to the 2021 version of *ADR* and *RID* were updated throughout. A new version of the *Ordinance on the Domestic and International Transportation of Dangerous Goods by Road, Railroad and Inland Waterways (GGVSEB)* was published to incorporate *ADR 2021* and *RID 2021* and make minor updates. There were no substantive updates.

Section 15.0 – Industrial Hygiene

- Minor updates were made to Subsection 3 – Ventilation – Hazardous Substances due to amendments to *DGUV-R 109-002*.
- Minor updates were made to Tables 15-4 and 15-5 and to Subsection 6 – Biological Agents due to amendments to *BioStoffV*.
- Significant updates were made throughout Subsection 7 – Biocides (previously Subsection 7 – Pesticides and Fumigants) due to amendments to *GefStoffV*. In addition to several substantive changes to the requirements, references to pesticides were updated to biocides throughout this protocol subsection. A new Appendix 15-B, “Warning Sign for Fumigated Rooms” was added to provide the template for a warning sign for a fumigated room.
- Minor updates were made to Subsection 13 – Respiratory Protection and Other PPE due to amendments to *BGR 190/DGUV-R 112-190*.

Section 16.0 – Chemical Management

- One question was added to Subsection 6 – Safety Data Sheets to incorporate a requirement regarding the qualification needed for the development of SDS as provided in *GefStoffV* and *TRGS 220*.
- One question was added to Subsection 8 – Signage and Labeling of Hazardous Materials in Storage Areas, Containers and Piping to incorporate a requirement in *TRGS 201* regarding non-buried pipelines used for transporting dangerous substances or mixtures.
- Updates were made throughout Subsection 9 – Portable Containers due to amendments to *TRGS 510*.
- Two questions were removed from Subsection 14 – Plant Protection Products due to repealed requirements resulting from amendments to *GefStoffV*.
- References to *Regulation (EU) No. 98/2013* were removed from Subsection 19 – Explosives Precursors because *Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the Marketing and Use of Explosives Precursors* repealed and replaced *Regulation (EU) No. 98/2013* effective 1 February 2021.

Section 17.0 – Construction Work Site Safety

- Updates were made to Subsection 1 – General Construction Safety to expand upon and clarify requirements in *BGV C22/DGUV-V 38*.
- Updates were made to Subsection 6 – Construction Lifts and Subsection 7 – Soil Engineering Machines (Diggers, Blowers, Graders, and Special Machines) to expand upon and clarify requirements in *BGR 500/DGUV-R 100-500*.



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