



VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - November 2015

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The information contained herein is provided by Veolia North America for general informational purposes only. This information should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you should have any questions, please contact Tom Baker, Veolia Director Environment & Transportation at tom.baker@veolia.com.

A. EPA Addition of 1-Bromopropane; Community Right-to-Know Toxic Chemical Release Reporting; Final Rule

On November 23, 2015, the Environmental Protection Agency (EPA) published a final rule (80 FR 72906-72914) adding 1-bromopropane to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Summary

On April 15, 2015, EPA published a proposed rule (80 CFR 20189) to add 1-bromopropane to the EPCRA Section 313 list of toxic chemicals based on the National Toxicology Programs (NTP) classification of 1-bromopropane as “reasonably anticipated to be a human carcinogen” in its 13th Report on Carcinogens (RoC) document. In the final rule, EPA stated that the NTP RoC document undergoes scientific review and public comment and mirrors the review that EPA historically conducts to assess chemicals for listing under EPCRA Section 313. Based on EPA’s review of the data contained in the RoC they believe that there is sufficient evidence for listing 1-bromopropane on the EPCRA Section 313 list of chemicals subject to EPCRA reporting.

EPCRA Section 313 requires facilities that manufacture, process, or otherwise use listed chemicals in quantities above reporting thresholds to report their environmental releases, other waste management quantities, pollution prevention activities, and recycling data for these chemicals annually. This report is commonly referred to as the Toxic Release Inventory (TRI) report.

Effective Date

This final rule became effective on November 30, 2015 and will apply to the reporting years beginning on January 1, 2016 with the first reports due on July 1, 2017.

Link

The link below will allow you to view/print this final rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-23/pdf/2015-29799.pdf>

B. EPA Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements under the Clean Air Act; Proposed Rule

On November 9, 2015, EPA published a proposed rule (80 FR 69457-69558) that would update the requirements for servicing or disposing of air-conditioning and refrigeration equipment to reduce the emissions of ozone-depleting refrigerants and to extend these requirements to non-ozone depleting substitute refrigerants.

Background

EPA published a final rule on January 22, 1991 (56 FR 2420) prohibiting the venting of class I and II ozone depleting substances (ODS) during maintenance, service, repair or disposal. On May 14, 1993, EPA published a final rule (58 FR 28660) establishing a national refrigerant management program for ozone-depleting refrigerants recovered during the maintenance, service, repair, and disposal of air-conditioning and refrigeration appliances. EPA believed these regulations would substantially reduce the use and emissions of ODSs. These regulations have undergone several revisions with the most recent being finalized on April 10, 2015.

Summary

In this proposed rule EPA is proposing several amendments to the National Recycling and Emission Reduction Program. Following are some of the proposed revisions:

1. Extend the Regulations to Cover Substitute Refrigerants

EPA is proposing to extend the requirements of the National Recycling and Emission Reduction Program to non-exempt substitutes (Hydrofluorocarbons (HFCs) or ammonia and others) and to clarify that the actions required to qualify for the *de minimis* exemption for non-exempt substitute refrigerants are the same as those for ODS refrigerants.

2. Strengthen Leak Repair Requirements

This proposal would strengthen the requirement to repair leaking appliances containing 50 or more pounds of refrigerant and to extend the amended requirements to HFCs and other substitute refrigerants. The leak rates for commercial refrigeration appliances would be reduced to 20 percent and to ten percent for industrial process refrigeration (IPR) equipment. In addition, this proposed rule would establish periodic leak inspection requirements. All equipment with a full charge of 50 or more pounds of ODS or a substitute refrigerant would be required to conduct annual leak inspections and commercial refrigeration appliances and IPR with a full charge of 500 pounds or more of ODS or a substitute refrigerant would be required to conduct quarterly leak inspections. As an alternative, automatic leak detection systems could be installed.

3. Extend the Sales Restriction to Substitute Refrigerants

4. Establish Recordkeeping Requirements for Appliances Containing 5 to 50 Pounds of ODS and Substitute Refrigerants

Current regulations require recordkeeping for the disposal of appliances that contain 5 pounds or less of ODS refrigerant and for appliances that contain 50 pounds or more of an ODS refrigerant. These proposed rules would extend the recordkeeping requirements to appliances that contain greater than 5 pounds but less than 50 pounds of ODS and substitute refrigerants. Records would be required to be maintained documenting the quantity of ODS and substitute refrigerants recovered when disposing of appliances that contain between 5 and 50 pounds of refrigerant.

5. Update the Technician Certification

EPA is proposing to extend the technician certification requirements to appliances containing substitute refrigerants, update and develop new questions for certifying technicians, and require certifying organizations to publish lists or establish on-line databases of certified technicians.

Comments Due

Comments on this proposed rule must be submitted to EPA on or before January 8, 2016.

Link

The link below will allow you to view/print this proposed rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-09/pdf/2015-26946.pdf>

C. EPA National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule

On November 20, 2015, EPA published a final rule (80 FR 72789-72837) setting forth their final decision on the reconsideration issues granted on January 21, 2015 for the 2013 final amendments to the “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” (Boiler MACT).

Background

On January 31, 2013, EPA published final amendments to the Boiler MACT (78 FR 7138). Thirteen petitions for reconsideration were submitted to EPA following the publication of the final amendments. In response, EPA reconsidered and requested comment on several provisions in a proposed notice of reconsideration published on January 21, 2015.

Summary

In this final rule, EPA is finalizing amendments associated with issues raised in the petitions for reconsideration. These amendments are:

1. Definition of Startup and Shutdown Periods and the Work Practices That Apply During Such Periods

In this final rule EPA is adopting two alternative definitions of “startup.” These definitions are:

- a. The first-ever firing of fuel, or the firing of fuel after a shutdown event, in a boiler or process heater for the purpose of supplying useful thermal energy for heating and/or producing electricity or for any other purpose. Under this definition, startup ends when any of the useful thermal energy from the boiler or process heater is supplied for heating, producing electricity, or any other purpose.
- b. The first-ever firing of fuel, or the firing of fuel after a shutdown event, in a boiler or process heater for the purpose of supplying useful thermal energy for heating, cooling, or process purposes or for producing electricity, and ending four hours after the boiler or process heater supplies useful thermal energy for those purposes. Sources using this definition will be required to meet enhanced recordkeeping requirements including; (i) when useful thermal energy is provided, (ii) what fuels are used during startup, (iii) parametric monitoring data to verify that relevant controls are in operation, and (iv) the time when particulate matter (PM) controls are in operation.

This final rule revises the definition of shutdown to: “begin when the boiler or process heater no longer supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generation of electricity, or when no fuel is being fed to the boiler or process heater, whichever is earlier.”

EPA is also adopting work practices that will apply during the periods of startup and shutdown. These practices include:

- a. The use of clean fuels during startup and shutdown; and
- b. All pollution control devices must be in operation during startup and shutdown so that emissions standards are met no later than four hours after the start of supplying useful thermal energy and must engage particulate matter controls within one hour of first feeding non-clean fuels.

2. Carbon Monoxide (CO) Limits Based on a Minimum CO Level of 130 ppm at 3 percent Oxygen

3. Particulate Matter (PM) Continuous Parameter Monitoring Systems (CPMS)

EPA is maintaining the PM CPMS requirement as promulgated with minor adjustments. The PM CPMS limit will be based on the average of the readings during each of the three test runs, a fourth deviation of the PM CPMS operating limit in a 12-month period is a presumptive violation of the emissions standards, and the operating limit is based on a 30-day rolling average.

Effective Date

This final rule became effective on the date of publication, November 20, 2015.

Link

The link below will allow you to view/print this final rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-20/pdf/2015-29186.pdf>

D. EPA Fall 2015 Semi-Annual Regulatory Agenda; Notice

On November 19, 2015, EPA published the Fall 2015 Semi-Annual Regulatory Agenda as part of the 2015 Fall Unified Agenda and Regulatory Plan.

Summary

EPA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review including the following waste-related topics:

Solid Waste and Emergency Response – Final Rule Stage
1. Management Standards for Hazardous Waste Pharmaceuticals
2. Hazardous Waste Generator Improvements Rule
3. Additions to List of Section 241.4 Categorical Non-Waste Fuels
Solid Waste and Emergency Response – Proposed Rule Stage
1. User Fee Schedule for Electronic Hazardous Waste Manifest Rule
2. Modernization of the Accidental Release Prevention Regulations Under Clean Air Act
3. Revisions to RCRA Subtitle D Research, Demonstration & Development Permit Rule
4. National Contingency Plan Revisions to Align with the National Response Framework
Solid Waste and Emergency Response – Long-Term Actions
1. Hazardous Waste Export-Import Revisions Rule
2. RCRA Smarter Waste Reporting
3. Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts
4. Non-Hazardous Secondary Materials – Additions to List of Categorical Non-Waste Fuels; Other Treated Woods

Link

The link below will allow you to view/print the Fall 2015 Semi-Annual Regulatory Agenda.

<http://resources.regulations.gov/public/component/main?main=UnifiedAgenda>

E. DOT/PHMSA Hazardous Materials: Editorial Corrections and Clarifications (RRR); Final Rule

On November 23, 2015, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final rule (80 FR 72914-72929) correcting editorial errors, making minor regulatory changes, and in response to requests, clarifications improving the clarity of certain provisions in the Hazardous Materials Regulations.

Summary

The following amendments, most directly impacting Veolia operations are included below:

1. 49 CFR 173.25 Authorized Packagings and Overpacks

This section provides requirements for packages utilizing overpacks and was revised in prior rulemakings HM-250 and HM-215. Through these revisions, paragraphs (4)(i) and (ii) detailing the transitional exceptions were inadvertently omitted from the HMR and are being reinstated through this final rule. The paragraphs being reinstated read as follows:

§173.25 Authorized packagings and overpacks

(a) ***

(4) The overpack is marked with the word "OVERPACK" when specification packagings are required, or for Class 7 (radioactive) material when a Type A, Type B(U), Type B(M) or industrial package is required. The "OVERPACK" marking is not required when the required markings representative of each package type contained in the overpack are visible from outside of the overpack. The lettering on the "OVERPACK" marking must be at least 12 mm (0.5 inches) high.

(i) *Transitional exception. A marking in conformance with the requirements of this paragraph in effect on December 31, 2014, may continue to be used until December 31, 2016.*

2. 49 CFR 173.185 Lithium Cells and Batteries

The HM-224F final rule revised this section in its entirety. This final rule makes thirteen editorial corrections and clarifications to 49 CFR 173.185 as follows:

- a. Paragraph (b)(4)(i) is revised to clarify that the outer packaging requirement only applies to lithium cells or batteries contained in equipment when an outer packaging is used.
- b. In paragraph (b)(4)(iii) applicable to spare lithium cells or batteries packed with equipment the word "ion" is removed to clarify that this requirement applies not only to lithium ion cells and batteries, but also to lithium metal cells and batteries.
- c. In paragraph (b)(5), the reference to (b)(4) is replaced with (b)(3)(iii) because (b)(4) does not contain UN performance packaging requirements.
- d. Paragraph (c) is revised to clarify that the UN performance packaging requirements in both paragraphs (b)(3)(ii) and (iii) do not apply to any packages containing smaller lithium cells and batteries meeting the conditions of paragraph (c) including packages that contain lithium metal cells and batteries packed with, or contained in equipment. In this final rule, PHMSA is revising paragraph (c) to clarify that smaller lithium cells and batteries are excepted from the entirety of UN performance packaging requirements in paragraphs (b)(3)(ii) and (iii) while also removing the reference to (b)(4) because it does not contain UN performance packaging requirements.
- e. In paragraph (c)(1)(v) applicable to markings for lithium metal batteries, incorrect references to paragraphs (c)(1)(ii) and (iii) are replaced with correct references to paragraphs (c)(1)(iii) and (iv).
- f. Paragraph (c)(2) is revised to clarify that for lithium batteries packed with equipment, either the package containing the batteries may be individually drop tested, or the complete package containing both the batteries and equipment may be subjected to the 1.2 meter drop test.
- g. Paragraph (c)(3) is revised to eliminate redundant requirements for air transportation by moving marking requirements from paragraph (c)(4)(i) to paragraph (c)(3). This revision clarifies that all

four of the documentation requirements in (c)(3)(ii)(A)-(D) [now (c)(3)(iii)(A)-(D)] are applicable to air shipments.

- h. As required by the previous paragraph (c)(4)(i)(C) [now (c)(3)(ii)(C)], the asterisk on the air handling mark must be replaced with the phrase “lithium ion battery” and/or “Lithium metal battery.” This clarifies that the word “battery” may be used to satisfy the marking requirements of packages containing “cells.”
- i. Paragraph (c)(3)(i)(A) applicable to marking requirements for excepted lithium batteries is revised to clarify that a package must be marked with an indication that it contains “lithium metal” and/or “lithium ion” batteries and is not limited to one or the other type and for consistency with (c)(4)(i)(C) [now (c)(3)(ii)(C)], which contains the text “and/or.”
- j. Paragraph (c)(4)(ii) [now (c)(4)(iii)] is revised by removing the redundant documentation requirements already required in paragraph (c)(3).
- k. Paragraph (c)(4)(v) [now (c)(4)(vi)], is revised to clarify that it does not apply to lithium cells or batteries packed with or contained in equipment.
- l. In paragraph (e)(3), the reference to (b)(4) is replaced with (b)(3)(iii) as (b)(4) does not contain UN performance packaging requirements.
- m. Paragraph (f)(3)(iii) is revised by removing the word “large” from the phrase “single large battery” as the term “large” refers to the package, not the battery.

Effective Date

This final rule will become effective on December 23, 2015.

Link

The link below will allow you to view/print this final rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-23/pdf/2015-29683.pdf>

F. DOT/FMCSA Prohibiting Coercion of Commercial Motor Vehicle Drivers; Final Rule

On November 30, 2015, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a final rule (80 FR 74695-74710) prohibiting motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs).

Summary

This final rule includes two separate prohibitions. One prohibits motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to violate provisions of the FMCSRs. These provisions include:

1. Drivers’ hours-of-service limits;
2. Commercial driver’s license (CDL) regulations;
3. Drug and alcohol testing rules; and
4. The Hazardous Materials Regulations (HMRs).

In addition, the rule prohibits anyone who operates a CMV in interstate commerce from coercing a driver to violate the commercial regulations.

This final rule also includes procedures for drivers to report incidents of coercion to FMCSA, establishes rules of practice that FMCSA must follow in response to reports of coercion, and describes penalties that may be imposed on entities found to have coerced drivers.

FMCSA believes that coercing drivers into violating the rules would have a negative impact to safety by leading to vehicle accidents as well as risking a driver's health. A driver alleging a violation of coercion is required to file a written complaint with FMCSA no later than 90 days after the event. Once a complaint is received, an FMCSA Division Administrator will determine if the complaint is non-frivolous and will investigate the complaint. The FMCSA will take every practical means to ensure that a driver is not subject to harassment, intimidation, disciplinary actions, discrimination or financial loss as a result of legal prosecution initiated by a complaint.

Effective Date

This final rule will become effective on January 29, 2016.

Link

The link below will allow you to view/print this final rule.

<https://origin.www.gpo.gov/fdsys/pkg/FR-2015-11-30/pdf/2015-30237.pdf>

G. DOT/PHMSA Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains; Response to Appeals

On November 18, 2015, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) published a response to appeals (80 FR 71952-71973) to the "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains" published on May 8, 2015 (80 FR 26644).

Background

The final rule published on May 8, 2015, establishes requirements for any "high-hazard flammable train" (HHFT) transported on the US rail network. A HHFT is defined as a train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train. This rule primarily impacts trains transporting large quantities of ethanol and crude oil.

The final rule adopted operational and safety improvements, including:

1. Enhanced Standards for both New and Existing Tank Cars used in HHFTs;
2. More Accurate Classification of Unrefined Petroleum-Based Products;
3. Rail Routing Risk Assessments;
4. Notification Requirements for Rail Routing;
5. Reduced Operating Speeds; and
6. Enhanced Braking

Summary

Following the publication of the final rule, PHMSA received five appeals to certain requirements in the final rule. In this notice, PHMSA responded to the appeals. The appeal areas included: (a) Scope of the Rulemaking; (b) Tribal Impacts and Consultation; (c) Information Sharing/Notification; (d) Testing and Sampling Programs; (e) Retrofit Timeline and Tank Car Reporting Requirements; (f) Thermal Protection for Tank Cars; and (g) Advanced Brake Signal Propagation Systems.

In this notice, PHMSA is denying all appeals except for Information Sharing/Notification. On May 28, 2015, PHMSA announced that they were extending the Emergency Order applicable to Information Sharing/Notification indefinitely while they were considering options for codifying the disclosure requirements.

Link

The link below will allow you to view/print PHMSA's response to the appeals.

<https://origin.www.gpo.gov/fdsys/pkg/FR-2015-11-18/pdf/2015-28774.pdf>

H. DOT/PHMSA Hazardous Materials: California and Los Angeles County Requirements Applicable to the On-Site Handling and Transportation of Hazardous Materials; Decision on Petitions for Reconsideration of Administrative Determinations of Preemption

On November 16, 2015, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final decision (80 FR 70874-70879) on petitions for reconsideration of PHMSA's determination on the State of California and Los Angeles County requirements applicable to the unloading of hazardous materials from rail tank cars and the on-site storage of hazardous materials in rail tank cars or after unloading.

Summary

PHMSA issued a final decision to determine that Federal hazardous material transportation law does **not** preempt California and Los Angeles County requirements on (1) the unloading of hazardous materials from rail tank cars by a consignee and (2) the consignee's on-site storage of hazardous materials following delivery of the hazardous materials to their destination and departure of the carrier from the consignee's premises or private track adjacent to the consignee's premises. Although certain activities performed while loading and unloading bulk packagings, such as railcars, is subject to the requirements of the Hazardous Materials Regulations, consignees must also comply with individual State requirements applicable to those activities. Laws specifically addressed by the petitioners in this notice related to California state and county codes which require facilities to implement Hazardous Materials Release Response Plans and Inventory and compliance with Fire Code regulations.

Link

The link below will allow you to view/print this final preemption determination.

<https://www.gpo.gov/fdsys/pkg/FR-2015-11-16/pdf/2015-28921.pdf>

I. DOT/FMCSA/PHMSA Fall 2015 Semi-Annual Regulatory Agenda; Notice

On November 19, 2015, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) and Pipeline and Hazardous Materials Safety Administration (PHMSA) published the Fall 2015 Semi-Annual Regulatory Agenda as part of the 2015 Fall Unified Agenda and Regulatory Plan.

Summary

FMCSA and PHMSA publish a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review including the following commercial motor vehicle and hazardous materials transportation related topics:

Federal Motor Carrier Safety Administration – Final Rule Stage
1. Prohibition on Coercion (MAP-21)
2. Commercial Driver's License Drug and Alcohol Clearinghouse (MAP-21)
3. Definition of Tank Vehicle with Respect to Commercial Driver's License Holders
4. Electronic Logging Devices and Hours of Service Supporting Documents (MAP-21) (RRR)

Federal Motor Carrier Safety Administration – Proposed Rule Stage
1. Carrier Safety Fitness Determination
2. Entry Level Driver Training
3. Federal Motor Carrier Safety Standards; Certification Requirements
4. MAP-21 Enhancements and other Updates to the Unified Registration System
5. Qualification of Drivers; Diabetes Standard
Federal Motor Carrier Safety Administration – Long-Term Actions
1. Electronic Signatures and Documents (E-Signatures) (RRR)
2. Elimination of Redundant Maintenance Rule (RRR)
3. Financial Responsibility for Motor Carriers, Freight Forwarders, and Brokers

Pipeline and Hazardous Materials Safety Administration – Final Rule Stage
1. Hazardous Materials: Adoption of Special Permits (MAP-21) (RRR)
2. Hazardous Materials: Miscellaneous Amendments RRR
3. Hazardous Materials: Reverse Logistics (RRR)
4. Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids (Wetlines) (MAP-21)

Pipeline and Hazardous Materials Safety Administration – Proposed Rule Stage
1. Hazardous Materials: Adoption of American Society of Mechanical Engineers (ASME) Boiler and pressure Vessel Code Section XII and the National Board Boiler and Pressure Vessel Inspectors Code
2. Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR)
3. Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains
4. Hazardous Materials: Response to Petitions for Rulemaking
5. Hazardous Materials: Review and Update of Rail Carrier Regulations in Part 174

Link

The link below will allow you to view/print the Fall 2015 Semi-Annual Regulatory Agenda.

<http://resources.regulations.gov/public/component/main?main=UnifiedAgenda>

J. OSHA Fall 2015 Semi-Annual Regulatory Agenda; Notice

On November 19, 2015, the Occupational Safety and Health Administration (OSHA) published the Fall 2015 Semi-Annual Regulatory Agenda as part of the 2015 Fall Unified Agenda and Regulatory Plan.

Summary

OSHA publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. The Fall 2015 Semi-Annual Regulatory Agenda includes the following OSHA topics:

Occupational Safety and Health Administration – Final Rule Stage
1. Improve Tracking of Workplace Injuries and Illnesses
2. Occupational Exposure to Crystalline Silica
3. Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records
4. Streamlining of Provisions on State Plans for Occupational Safety and Health
5. Updating OSHA Standards Based on National Consensus Standards: Eye and Face Protection
6. Walking and Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Protection)

Occupational Safety and Health Administration – Proposed Rule Stage
1. Clarification of Employer’s Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness
2. Occupational Exposure to Beryllium
3. Quantitative Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection
4. Standards Improvement Project IV
Occupational Safety and Health Administration – Long-Term Actions
1. Bloodborne Pathogens
2. Chemical Management and Permissible Exposure Limits (PELs)
3. Combustible Dust
4. Emergency Response and Preparedness
5. Infectious Diseases
6. Injury and Illness Prevention Program
7. Lock-Out/Tag-Out Update
8. Occupational Injury and Illness Recording and Reporting Requirements – Musculoskeletal Disorders (MSD) Column
9. Powered Industrial Trucks
10. Preventing Backover Injuries and Fatalities
11. Process Safety Management and Prevention of Major Chemical Accidents
12. Revocation of Obsolete Permissible Exposure Limits (PELs)
13. Update to the Hazard Communication Standard

Link

The link below will allow you to view/print the Fall 2015 Semi-Annual Regulatory Agenda.

<http://resources.regulations.gov/public/component/main?main=UnifiedAgenda>

K. DOJ/DEA Schedules of Controlled Substances: Placement of Eluxadoline into Schedule IV; Final Rule

On November 12, 2015, the Department of Justice, Drug Enforcement Administration (DEA) published a final rule (80 FR 69861-69864) placing the substance 5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl)-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid (eluxadoline), including its salts, isomers, and salts of isomers, into Schedule IV of the Controlled Substances Act (CSA).

Summary

Eluxadoline is a new molecular entity with central nervous system opioid properties that has been approved by the Food and Drug Administration (FDA) as a prescription drug for the treatment of irritable bowel syndrome with diarrhea. Based on DEA’s consideration of all comments, the scientific and medical evaluation and accompanying recommendation of the Department of Health and Human Services (HHS), and DEA’s eight-factor analysis, the Administrator published this final rule subjecting eluxadoline, its salts, isomers, and salts of isomers, to the regulatory controls and administrative, civil, and criminal sanctions applicable to Schedule IV Controlled Substances.

Effective Date

This final rule will become effective on December 17, 2015.

Link

The link below will allow you to view/print this final rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-12/pdf/2015-28718.pdf>

L. DOJ/DEA Schedules of Controlled Substances: Extension of Temporary Placement of Three Synthetic Phenethylamines in Schedule I; Final Order and Proposed Rule

On November 13, 2015, the Department of Transportation, Drug Enforcement Administration (DEA) published a final order (80 FR 70657-70659) and a proposed rule (80 FR 70649-70655) extending the temporary Schedule I Status of the Controlled Substances Act (CSA) for three synthetic phenethylamines. The substances are: 2-(4-iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimci-5), 2-(4-chloro-2,5-dimethoxyphenyl)-*N*-(20methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25CCimbi-82), and 2-(4-bromo-2,5-dimethoxyphenyl)-*N*-(20methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36). The common names for these substances are: 25I-NBOMe, 2C-NBOMe; and 25-NBOMe.

Summary

On November 15, 2013, the DEA published a final order (78 FR 68716) temporarily placing these three synthetic phenethylamines into Schedule I of the CSA. This final temporary order was due to expire on November 14, 2015. This final order will extend the temporary placement of 25I-NBOMe, 25C-NBOMe, and 25B-NBOMe, their optical, positional, and geometric isomers, salts, and salts of isomers into Schedule I of the CSA for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first.

Effective Date

This final order became effective on November 13, 2015.

Link

The link below will allow you to view/print the final order.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-13/pdf/2015-29028.pdf>

The link below will allow you to view/print the proposed rule.

<http://www.gpo.gov/fdsys/pkg/FR-2015-11-13/pdf/2015-29026.pdf>