

## VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - November 2016

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**A. EPA Hazardous Waste Generator Improvements Rule; Final Rule**

On November 28, 2016, the Environmental Protection Agency (EPA) published a final rule (81 FR 85732-85829) revising the Resource Conservation and Recovery Act (RCRA) hazardous waste generator regulations.

**Intent of the Final Rule**

This final rule includes over 60 revisions and new provisions to the hazardous waste generator regulatory program. EPA's primary intent is to improve compliance of hazardous waste generators in the identification and management of the hazardous wastes they generate and thereby improving protection of human health and the environment. EPA believes this will be accomplished by reorganizing the hazardous waste generator regulations to make them more "user-friendly," provide a better understanding of how the hazardous waste generator regulatory program works, address gaps in the existing regulations, and provide flexibility in the management of hazardous wastes.

**Summary**

Following is a summary of the revisions that have the greatest impact on Veolia and/or customers.

1. Reorganization of Generator Regulations

The generator regulations have all been moved to 40 CFR Part 262.

- a. Generator Category Determinations – 40 CFR 262.13
- b. VSQG Regulations – 40 CFR 262.14
- c. Satellite Accumulation Regulations – 40 CFR 262.15
- d. SQG Regulations – 40 CFR 262.16
- e. LQG Regulations – 40 CFR 262.17

2. Very Small Quantity Generator (VSQG)

The name for Conditionally Exempt Small Quantity Generator has been changed to Very Small Quantity Generator. NO change has been made to the quantity of hazardous waste that can be generated and stored to meet the VSQG Requirements. A VSQG generates less than 100 kilograms of hazardous waste in a month and may not accumulate more than 1,000 kilograms of hazardous waste.

3. VSQG Waste Consolidation

A VSQG may ship wastes to a LQG facility for consolidation, provided the facilities are under the control of the same person. The VSQG must mark and label waste containers with "VSQG Hazardous Waste". The LQG must notify the state on their Site ID Form that it is participating in this activity and identifies what VSQGs are also participating. Recordkeeping, reporting, and certain management standards are applicable.

4. Clarification on a Generator's Hazardous Waste Determination

EPA has provided clarification that the waste determination must be accurate and made at the point of generation of the waste before any dilution, mixing or alteration, and at any time during the course of management for wastes potentially exhibiting a hazardous characteristic. EPA has further clarified how generators can use generator knowledge and tests in making hazardous waste determinations and how a generator should evaluate its waste for hazardous characteristics.

5. Episodic Generation of Wastes

Current RCRA rules lack flexibility to address an “episodic” change in a generator’s regulatory category due to both planned events (i.e., periodic maintenance such as tank cleanouts) and unplanned events (i.e., production upset conditions, spill, acts of nature). This rule provides generators with an alternative set of standards for managing episodic events.

Generators must comply with these more comprehensive set of regulations for the short period of time when they are generating waste at higher levels.

- Allows generators to maintain their existing category provided they comply with streamlined set of requirements.
- One event per calendar year with ability to petition for second event. If first event is planned, the petition for a 2nd event must be for an unplanned event or vice versa.
- Notify EPA or state at least 30 days prior to initiating a planned episodic event or notify EPA or state within 72 hours after an unplanned event.
- Conclude the episodic event within 60 days, including transporting the episodic waste off-site (40 CFR 262 Subpart L).
- Streamlined Requirements for VSQGs:
  - Obtain RCRA identification number
  - Use hazardous waste manifest and transport waste to a RCRA TSDf or recycler
  - Manage the episodic hazardous waste in a manner that minimizes risk of an accident or release
  - Label episodic waste containers
  - Identify an emergency coordinator
  - Maintain records associated with episodic event
- SQGs need only comply with existing SQG regulations and maintain records associated with the episodic event.

6. Enhanced Labeling of Containers and Tanks – Hazard Identification and RCRA Waste Codes

Labels for tanks and containers must now also indicate the hazards of the contents. There is flexibility in how to comply with this new provision as the generator can indicate the hazards of the contents of the container using any of several established methods (e.g., DOT hazard communication, OSHA hazard statement or pictogram, NFPA chemical hazard label, or RCRA characteristic). For drip pads and containment buildings, the generator can keep this information in logs or records near the accumulation unit.

In addition, the marking of containers with RCRA codes is required for SQGs and LQGs prior to sending hazardous waste off-site per 40 CFR 262.32. Alternatively the generator may use a nationally recognized electronic system, such as a barcoding system, that performs the same function of representing the waste codes to the TSDf receiving the waste containers.

7. Notification Requirements for SQGs

SQGs must provide additional generator notifications to the EPA every 4 years unless states have more frequent re-notification requirements. Electronic reporting will be an option. This compliance date is delayed until 2021 to give states time to update their reporting forms and process.

8. Emergency Preparedness

Previous regulations required generators to attempt to make arrangements with local emergency responders regarding wastes handled to prepare for a potential emergency, however, there was no requirement to document that arrangements had been made. Now, as revised, a generator must document that they have attempted to make arrangements with local emergency responders (or

that arrangements were sought but not obtained) and keep the documentation in the facility's operating record. (40 CFR 262.16(b)(8)(vi) and 262.256)

9. Preparation of Contingency Plans and Quick Reference Guides

In addition to the existing requirement for a LQG to prepare and submit a contingency plan this rule requires a LQG to prepare a Quick Reference Guide (e.g., an Executive Summary) that contains information most critical for immediate response to an event.

The Quick Reference Guide (40 CFR 262.262) must contain eight required elements:

- Types/names of hazardous waste and associated hazards
- Estimated maximum amounts of hazardous wastes on-site
- Hazardous wastes requiring unique/special treatment
- Map showing where hazardous wastes are generated, accumulated and/or treated
- Map of facility and surroundings to identify routes of access and evacuation
- Location of water supply
- Identification of on-site notification systems
- Name of emergency coordinator(s) or listed staffed position(s) and 24-hour emergency telephone number(s)

10. Waiver of the 50-foot Setback Requirements

The current generator regulations require that containers holding ignitable or reactive waste must be located at least 15 m (50 feet) from the facility's property line. Due to known difficulties in meeting this requirement, especially for generators in urban areas where properties are less than 100 feet wide, EPA is including an option for a generator to obtain a variance or waiver of the requirement. LQGs may approach the authority having jurisdiction (AHJ) over the fire code within the facility's state or locality (e.g., fire marshal) to apply for a waiver from the requirement if the AHJ believes that the precautions taken by the facility make the waiver appropriate and safe.

11. Enhanced Closure Requirements for LQGs

Under the new rules should LQGs accumulating hazardous wastes in containers fail to complete a clean closure of the facility they will be required to complete closure as a landfill. In addition LQGs are required to provide the agency notification of closure of a waste accumulation area by placing a notice in their operating record within 30 days after closure identifying the location of the unit within the facility.

For closure of a facility, the LQG must notify EPA or the authorized state no later than 30 days prior to closing the facility, and notify EPA or authorized state within 90 days after closing the facility. The notice shall state that it has complied with closure performance standards, or notify if it can't complete a clean closure of the facility. The LQG can request an extension but must notify EPA or the authorized state within 75 days after closing the facility.

12. Biennial Reporting Clarifications

EPA is making several clarifications to the biennial reporting requirements to ensure reporting consistency. LQGs must report all hazardous waste generated and managed on-site in the reporting year, not simply those wastes shipped off-site in the calendar year. Furthermore, LQGs must report hazardous wastes generated throughout the calendar year, even for months when they may have been a SQG. And recycling facilities that do not have a RCRA permit because they are not storing waste prior to recycling must also report the wastes being recycled.

### 13. Clarification of the Satellite Accumulation Requirements

EPA is providing clarification in this final rule of the requirements for satellite accumulation. Some of the clarifications include:

- Require that hazardous wastes not be mixed or placed in a container with other hazardous wastes that are incompatible
- Allow containers to remain open temporarily under limited circumstances when necessary for safe operations
- Provides maximum weight in addition to the existing volume limitations for acute hazardous wastes
- Clarifies that “three days” means three consecutive calendar days
- Rescinds the agency memo allowing reactive hazardous waste to be stored away from the point of generation
- Makes marking and labeling requirements consistent with the new standards for central accumulation areas

#### **Effective Date**

This final rule will become effective on May 30, 2017.

#### **State Adoption**

Authorized States will be required to adopt the more stringent portions of this final rule by July 1, 2018 (or July 1, 2019 if a State law must be changed for adoption). Authorized States may choose to adopt the less stringent portions of the final rule.

The More Stringent Requirements are:

1. Small Quantity Generator Re-Notification Requirements
2. Labeling and Identification of Hazardous Wastes in Accumulation
3. Notification of Facility Closure
4. Biennial Reporting for an Entire Year, not just the months the generator was a LQG
5. Biennial Reporting for Recyclers that don't store hazardous wastes prior to recycling
6. Quick Reference Guide for Contingency Plans
7. Closure as a Landfill for LQGs accumulation hazardous waste in containers that cannot meet closure performance standards

The entire rule will become effective in Alaska, Iowa, territories, and tribal lands on the effective date, May 30, 2017.

The Less Stringent Requirements are:

1. VSQG Consolidation/Shipment to a LQG
2. Episodic Generation
3. Waiver of 50-Foot Setback Requirement

## **B. EPA Hazardous Waste Export-Import Revisions; Final Rule**

On November 28, 2016, EPA published a final rule (81 FR 85696-85729) amending regulations regarding the export and import of hazardous wastes from and into the United States.

## Background

On October 19, 2015 EPA published a proposed rule (80 FR 63283) to amend the export and import of hazardous waste regulations. Some of the more significant proposed revisions included:

1. Standardize the import/export regulations to more closely mirror the current regulations for international shipments between members of the Organization for Economic Cooperation and Development (OECD);
2. Enable electronic submittals for all export and import related documents; and
3. Enable electronic validation of consent in the Automated Export System (AES) for shipments subject to RCRA export consent requirements prior to export.

## Applicability

The amendments in this final rule apply to:

1. All persons who export or import (or arrange for the export or import ) hazardous waste for recycling or disposal, including those hazardous wastes subject to the alternate management standards for:
  - a. Universal waste for recycling or disposal;
  - b. Spent lead-acid batteries (SLABs) shipped for reclamation;
  - c. Industrial ethyl alcohol shipped for reclamation;
  - d. Hazardous waste samples in quantities greater than 25 kilograms shipped for waste characterization or treatability studies; and
  - e. Hazardous recyclable materials shipped for precious metal recovery.
2. All recycling and disposal facilities that receive imports of hazardous waste for recycling or disposal;
3. All persons who export or arrange for the export of conditionally excluded cathode ray tubes (CRTs) shipped for recycling; and
4. All persons who transport any export or import shipments described above.

## Summary

This final rule removes 40 CFR 262 Subparts E (Exports of Hazardous Waste) and F (Imports of Hazardous Wastes) and revises and renames Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal) to include all hazardous waste transboundary shipments including the import and export of universal wastes, spent lead-acid batteries, CRTs, and hazardous waste samples in quantities greater than 25 kilograms.

The revisions in this final rule are included below:

1. Existing Consent Notices to Export or Import hazardous wastes will remain in effect until the consent period expires. These shipments must comply with the terms of the consent and the original 40 CFR 262 subpart E or F requirements in effect at the time the consents were issued until the consent period expires.
2. After December 31, 2016, exporters must submit export notices or renotifications electronically using EPA's Waste Import Export Tracking System (WIETS). Any paper notice that does not receive consent by December 31, 2016, must be resubmitted and approved electronically using WIETS.
3. After December 31, 2016, written consent will be required for all import shipments of hazardous waste. Paper notices are currently being accepted and processed and paper consents issued for import shipments. The electronic issuance of import notice and consent using WIETS is currently being developed.
4. After December 31, 2016, exporters may either utilize the Automated Export System (AES) or the paper process for each shipment until EPA establishes a mandatory AES use compliance date.
5. If paper shipping documents are used the consent number must be written/typed on the manifest and copies of the manifest and export consent authorizations must be provided to the U.S. customs official at the point of departure. If the exporter is following the AES electronic filing procedures the

last sentence in the manifest instructions for Item 16 should be crossed out confirming that a copy of the manifest will not be given to the U.S. Customs official at the port or border crossing.

6. Recognized traders arranging the export and/or import of hazardous wastes will need to obtain an EPA ID Number after December 31, 2016, although they are allowed to continue brokering shipments utilizing existing consent notices until the consent period expires. An EPA ID Number is required for the submission of electronic export notices or renotifications.

#### Automatic Export System (AES)

The following information will need to be provided electronically in the AES:

1. EPA license required indicator (to declare shipment is subject to RCRA export notice and consent requirements)
2. Commodity classification code (10 digit, numeric description of the commodity) per 15 CFR 30.6(a)(12)
3. EPA consent number (specific to the waste)
4. Country of ultimate destination
5. Date of Export
6. RCRA hazardous waste manifest tracking number, if required (Universal Wastes, CRTs being shipped for recycling, Industrial Ethyl Alcohol being shipped for reclamation, and SLABs being shipped for the recovery of lead are exempt from the RCRA manifest requirements)
7. Quantity of waste in the shipment and the units for reported quantity (units are established by the commodity classification number)
8. EPA net quantity and net quantity units of measure is required if the commodity classification number does not require the quantity to be reported in weight or volume units (must be reported in kilograms if solid wastes and in liters if liquid waste)

Because an EPA license or Consent number is required to be entered electronically, AES will require two to five additional items to be filed and will validate the country of ultimate destination and the date of export against EPA-supplied reference data for the EPA consent number.

AES will issue an Internal Transaction Number (ITN) to indicate successful completion when the filing passes all validations.

#### Waste Import Export Tracking System (WIETS)

After December 31, 2016, the electronic WIETS will be required to be utilized for new or renewal export notices submitted for consent.

There are several other items that will be required to be entered into WIETS but EPA has delayed the implementation of the use of the electronic WIETS until they can verify that the programming has been completed and the system is operational. These items include:

1. Export Exception Report
2. Export Confirmation of Receipt
3. Export Confirmation of Recovery of Disposal
4. Import Notification
5. Import Confirmation of Receipt
6. Import Confirmation of Recovery or Disposal
7. Receiving Facility Notification of the Need to Arrange Alternate Management or Return of an Import Shipment
8. Export Annual Report (this is completed, but a full year of information must be collected electronically before this report is functional)

EPA will publish an effective date for the use of the WIETS for the above information in the Federal Register at a future date.

#### Paper Submittals of Information

Until the WIETS is functional the following information must be submitted to EPA in paper form:

1. Export Annual Reports
2. Export Exception Reports
3. Import Notices
4. Facility Notifications of the Need to Arrange Alternate Management or Return of an Import Shipment

The WIETS system must be accessed by logging into EPA's Central Data Exchange (CDX) system.

#### Hazardous Waste Manifests

For Hazardous Waste Import shipments, the receiving facility must continue to submit paper import manifests to EPA's International Compliance Assurance Division (ICAD) within 30 days of receipt until the e-Manifest system is operational.

#### Other Revisions

1. 40 CFR 262.83(d)(2)(xv) requires the exporter to direct the foreign facility to confirm receipt of each shipment
2. 40 CFR 262.83(f)(3)(i) requires contract terms that direct the foreign facility to inform the exporter if the shipment cannot be managed according to the consent
3. 40 CFR 262.83(e) requires the exporter to arrange for the return of the waste as needed
4. 40 CFR 262.83(h) requires the exporter to file exception reports as needed.

#### **No State Authorization**

Due to the federal government's role in matters of foreign policy, EPA does not authorize States to administer Federal import/export functions in any section of the RCRA hazardous waste regulations. The States are still required to adopt the provisions in this rule to maintain their equivalency with the Federal Program.

#### **Effective Date**

This final rule will become effective on December 31, 2016. However the only electronic submittals and reporting requirements that will become effective on that date is the electronic submittal of export notices or renotifications.

#### **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27428.pdf>

The link below will allow you to access EPA's CDX system.

<https://cdx.epa.gov>

#### **C. EPA Internet Posting of and Confidentiality Determinations for Hazardous Waste Export and Import Documents; Proposed Rule**

On November 28, 2016, EPA published a proposed rule (81 FR 85459-85471) that would require exporters and importers of hazardous wastes to maintain a publicly accessible Web site and post



documents verifying the confirmation of receipt and recovery or disposal of hazardous waste shipments. In addition, EPA is proposing to exclude documents related to the export, import, and transit of hazardous wastes and the export of excluded CRTs from confidential business information (CBI) claims.

1. Internet Posting of Confirmations of Receipt and Recovery or Disposal

EPA is proposing to modify the reporting and recordkeeping of hazardous waste exporters and importers. Both exporters and importers of hazardous waste would be required to maintain a single publicly accessible Web site (referred to as the “Export/Import Web site”). The following documents would need to be posted on the Export/Import Web site.

- a. Export confirmations of receipt;
- b. Export confirmations of recovery or disposal;
- c. Import confirmations of receipt; and
- d. Import confirmations of recovery or disposal.

The documents must clearly identify:

- a. The type of document;
- b. The EPA ID number of the Exporting or Importing facility;
- c. The Consent Number associated with the shipment; and
- d. The Shipment number.

The documents must be Read Only, publicly accessible, and downloadable. The preferred formats are: Portable Document Format (PDF), Joint Photographic Experts Group (JPEG), or Graphics Interchange Format (GIF).

For companies with more than one physical site that exports or imports hazardous wastes the separate sites must be clearly identified on the Web site and the appropriate documents must be grouped with the appropriate sites.

The documents on the Export/Import Web site must be posted by March 1 of each year for all documents related to exports or imports of hazardous waste made during the previous calendar year. The documents must be maintained on the Web site for at least three years. Paper copies of all documents must continue to be maintained for at least three years.

Companies will be required to maintain the confirmations on their Export/Import Web sites until EPA’s Waste Import Export Tracking System (WIETS) has been developed and is ready to receive the export and import confirmations electronically.

2. Confidential Business Information (CBI) Claims for Hazardous Waste Export and Import Documents

EPA is proposing to NO LONGER ACCEPT any future claims of CBI for documents related to the export, import, or transit of hazardous waste and the export of excluded CRTs. EPA believes the documents related to the export, import, and transit of hazardous waste and the export of excluded CRTs do not meet several of the criteria required for CBI claims.

**Comments Due**

Comments on this proposed rule must be submitted to EPA on or before January 27, 2017.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27431.pdf>

**D. EPA Addition of Hexabromocyclododecane (HBCD) Category; Community Right-to-Know Toxic Chemical Release Reporting; Final Rule**

On November 28, 2016, EPA published a final rule (81 FR 85440-85445) that adds hexabromocyclododecane (HBCD) category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA).

**Summary**

On June 2, 2016, EPA published a proposed rule (81 FR 35275) to add HBCD to the EPCRA Section 313 list of toxic chemicals because it can reasonably be anticipated to cause moderately high to high chronic toxicity in humans. HBCD has been shown to be highly toxic to both aquatic and terrestrial species with acute toxicity values as low as 0.009 milligrams per liter (mg/L) and chronic aquatic toxicity values as low as 0.0042 mg/L. HBCD is also bioaccumulative and persistent in the environment. Based on this information EPA believes there is sufficient evidence to list the HBCD category on the EPCRA Section 313 list of chemicals subject to EPCRA reporting.

The HBCD category only includes chemicals covered by CAS numbers 3194-55-6 (1,2,5,6,9,10-Hexabromocyclododecane) and 25637-99-4 (Hexabromocyclododecane).

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. The report is commonly referred to as the Toxic Release Inventory (TRI) report. As a category, facilities that manufacture, process, or otherwise use HBCD under both of these names and CASRNs would file just one report.

**Effective Date**

This final rule became effective on November 30, 2016 and will apply to the reporting years beginning on January 1, 2017 with the first reports due on July 1, 2018.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-28102.pdf>

**E. EPA Rescission of Preconstruction Permits issued under the Clean Air Act; Final Rule**

On November 7, 2016, EPA published a final rule (81 FR 78043-78048) amending the Federal Prevention of Significant Deterioration (PSD) regulations to remove a date restriction from the Permit Rescission provision.

**Summary**

This final rule makes three revisions to the Permit Rescission provision in the PSD regulations in 40 CFR Part 52.

1. Revises 40 CFR 52.21(w)(2) to remove the July 30, 1987, date restriction. EPA believes the removal of the date restriction is appropriate to improve implementation efficiency and eliminate the need to conduct targeted rulemakings in the future.
2. Revises 40 CFR 52.21(w)(3) to change the word “shall” to “may” to make clear that this provision does not create a mandatory duty on the EPA Administrator to grant a rescission request.
3. Revises 40 CFR 52.21(w)(1) to correctly cross reference paragraph (r) to paragraph (s) of the PSD regulations.

The PSD Permit Rescission provision is applicable in the EPA Regions and other reviewing authorities that are delegated authority by the EPA to issue PSD permits on behalf of EPA. The provision also applies to reviewing authorities that have their own PSD rules approved by EPA in a State Implementation Plan (SIP) where the SIP incorporates 40 CFR 52.21(w) by reference.

#### **Effective Date**

This final rule became effective on December 7, 2016.

#### **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-07/pdf/2016-26593.pdf>

#### **F. EPA Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements under the Clean Air Act; Final Rule**

On November 18, 2016, EPA published a final rule (81 FR 82272-82395) amending the Refrigerant Management Requirements (RMR) under the Clean Air Act (CAA).

#### **Summary**

The following revisions are included in this final rule:

1. Revises the regulations to include non-ozone depleting substitute refrigerants such as hydrofluorocarbons.
2. Strengthens the leak repair requirements.
3. Includes recordkeeping requirements for the disposal of appliances containing more than five pounds but less than 50 pounds of refrigerant.
4. Revises the technician certification program.

#### **Effective Date**

This final rule will become effective on January 1, 2017.

#### **Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-24215.pdf>

**G. OSHA Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems); Final Rule**

On November 18, 2016, the Occupational Safety and Health Administration (OSHA) published a final rule (81 FR 82494-83006) revising and updating the general industry standards for walking-working surfaces in an effort to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards.

**Summary**

This final rule includes revised and new provisions to reflect advances in technology and make them consistent with recent OSHA standards and national consensus standards. Some of the areas where these revisions and new provisions apply are:

1. Fixed Ladders
2. Rope Descent Systems
3. Fall Protection Systems and Criteria
4. Personal Fall Protection Systems
5. Training on Fall Hazards and Fall Protection Systems
6. Design, Performance, and Use of Fall Protection Systems

**Effective Date**

This final rule will become effective on January 17, 2017 although some of the requirements have compliance dates after the effective date.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-18/pdf/2016-24557.pdf>

**H. HHS/CDC Multi-Agency Informational Meeting Concerning Compliance with the Federal Select Agent Program - Public Webcast; Notice of Rescheduled Public Webcast**

On November 8, 2016, the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) published a notice (81 FR 78596-78597) announcing a rescheduling of a public webcast regarding the Federal Select Agent Program.

**Summary**

The public webcast is an opportunity for the affected community (i.e., registered entity responsible officials, alternate responsible officials, and entity owners) to obtain specific regulatory guidance and information concerning biosafety, security, and incident response issues related to the Federal Select Agent Program. Representatives from the Federal Select Agent Program will participate on the webcast to address questions and concerns from participants.

**NEW Webcast Date**

The webcast will be conducted on Wednesday, February 8, 2017, from Noon to 4:00 PM Eastern Time.

**Registration**

To participate in the webcast you must complete an online registration by February 6, 2017.

## Links

The link below will allow you to register for the webcast.

<http://www.selectagents.gov/webform.html>

The link below will allow you to view/print the notice of the date change for the webcast.

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-08/pdf/2016-26927.pdf>

## I. DOJ/ATF Commerce in Explosives; 2016 Annual List of Explosive Materials; Notice

On November 16, 2016, the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) published a notice of the list of explosive materials (81 FR 80684-80686).

### Summary

ATF is required to revise and publish, at least annually, in the Federal Register a list of explosive materials including blasting agents and detonators. In this listing ATF amends the term “Xanthomonas hydrophilic colloid explosive mixture” to read “Xanthomonas hydrophilic colloid explosive mixture” and removes the term “Special fireworks” from the list of fireworks. These are the only changes from the 2015 Annual List of Explosive Materials.

### Effective Date

The 2016 List of Explosive Materials became effective on the date of publication, November 16, 2016.

### Link

The link below will allow you to view/print the 2016 List of Explosive Materials.

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-27459.pdf>

## J. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of U-47700 into Schedule I; Final Order

On November 14, 2016, the Department of Justice, Drug Enforcement Administration (DEA) published a final order (81 FR 79389-79393) temporarily placing the synthetic opioid, 3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide (U-47700), its isomers, esters, ethers, salts and salts of isomers, esters, and ethers into Schedule I of the Controlled Substances Act (CSA).

### Summary

Evidence suggests that the pattern of abuse of U-47700 parallels that of heroin, prescription opioid analgesics, and other novel opioids. Seizures of U-47700 have been encountered in powder form and in counterfeit tablets that mimic pharmaceutical opioids. The scientific literature and information collected by DEA demonstrate that U-47700 is being abused for its opioid properties. Therefore, this final order subjects the regulatory controls and administrative, civil, and criminal sanctions applicable to Schedule I substances to persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess U-47700.

### Effective Date

This final rule became effective on November 14, 2016.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-14/pdf/2016-27357.pdf>

**K. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of Furanyl Fentanyl into Schedule I; Final Order**

On November 29, 2016, the Department of Justice, Drug Enforcement Administration (DEA) published a final order (81 FR 85873-85877) temporarily placing the synthetic opioid *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide (furanyl fentanyl) and its isomers, esters, ethers, salts and salts of isomers, esters and ethers into Schedule 1 of the Controlled Substances Act (CSA).

**Summary**

The scientific literature and reports collected by DEA demonstrate that furanyl fentanyl is being abused for its opioid properties. The DEA has received reports of at least 128 confirmed fatalities associated with furanyl fentanyl. After considering available data and information the DEA finds it necessary to temporarily schedule furanyl fentanyl into Schedule I of the CSA subjecting the regulatory controls and administrative, civil, and criminal sanctions applicable to Schedule I substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess furanyl fentanyl).

**Effective Date**

This final order became effective on November 29, 2016.

**Link**

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

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-29/pdf/2016-28693.pdf>