

VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - February 2017

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A. EPA Scott Pruitt Confirmed as EPA Administrator

On February 17, 2017, Oklahoma Attorney General Scott Pruitt was confirmed and sworn in as the 14th administrator of the U.S. Environmental Protection Agency (EPA). Administrator Pruitt earned his Bachelor's Degree from Georgetown College and his Law Degree from the University of Tulsa law school.

Administrator Pruitt believes that promoting and protecting a strong and healthy environment is one of the lifeblood priorities of the government and that EPA plays a vital role in this mission. He plans to lead EPA in a way that future generations will inherit a better and healthier environment while advancing America's economic interests.

Link

The link below will allow you to view/print EPA's press release announcing Administrator Pruitt's confirmation.

<https://www.epa.gov/newsreleases/scott-pruitt-confirmed-and-sworn-epa-administrator>

B. DOT/FMCSA Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators; Final Rule; Delay of Effective Date

On February 1, 2017, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a final rule (82 FR 8903) announcing a delay of the effective date for the "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" Final Rule that was to become effective on February 6, 2017.

Summary

As required by the Presidential directive announced in a memorandum from the Assistant to the President and Chief of Staff on January 20, 2017 titled "Regulatory Freeze Pending Review," this action temporarily delays the effective date until March 21, 2017. FMCSA may consider delaying the effective date of this regulation beyond March 21, 2017.

A summary of the Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators final rule is included in the December 2016 Regulatory Update.

Effective Date

The effective date of this final rule has been delayed until at least March 21, 2017.

Link

The link below will allow you to view/print the final rule delaying the effective date.

<https://www.gpo.gov/fdsys/pkg/FR-2017-02-01/pdf/2017-02150.pdf>

C. OSHA Occupational Exposure of Beryllium; Final Rule; Delay of Effective Date

On February 1, 2017, the Occupational Safety and Health Administration (OSHA) published a final rule (82 FR 8901) announcing a delay of the effective date for the "Occupational Exposure to Beryllium" Final Rule that was to become effective on March 10, 2017.

Summary

As required by the Presidential directive announced in a memorandum from the Assistant to the President and Chief of Staff on January 20, 2017 titled “Regulatory Freeze Pending Review,” this action temporarily delays the effective date until March 21, 2017.

A summary of the Occupational Exposure to Beryllium final rule is included in the January 2017 Regulatory Update.

Effective Date

The effective date of this final rule has been delayed until March 21, 2017.

Link

The link below will allow you to view/print the final rule delaying the effective date.

<https://www.gpo.gov/fdsys/pkg/FR-2017-02-01/pdf/2017-02149.pdf>

D. US Postal Service Revision to Mailing Standards for the Transport of Lithium Batteries; Notice of Prospective Revision of Standards

On February 22, 2017, the US Postal Service (USPS) published a notice of prospective revision of standards (82 FR 11372-11375) that would revise Publication 52, *Hazardous, Restricted, and Perishable Mail*, to include new mailing standards for lithium batteries.

Background

Publication 52 provides mailing standards for hazardous, restricted, and perishable items and materials, including lithium batteries. The USPS is preparing to revise Publication in order to align the USPS mailing standards for lithium batteries with the regulations of the Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and to maintain consistency with international regulations and standards.

Summary

Following are the proposed revisions to Publication 52:

1. Revision of the current text marking option for mailpieces required to bear, or optionally permitted to bear, lithium battery markings, and limit markings to DOT-approved lithium battery handling marks only.
2. Mailpieces would be restricted to surface transportation only, including those containing UN3090, lithium metal batteries shipped separately, will continue to bear the current text marking in addition to a DOT-approved lithium battery handling mark.
3. Eliminate the requirement for accompanying documentation with mailings of lithium batteries.
4. Add the new DOT class 9 hazard warning label for lithium batteries to Publication 52, Exhibit 325.1, DOT Hazardous Materials Warning Labels: PROHIBITED IN THE MAIL. Packages containing lithium batteries that are required to bear this label would be prohibited from mailing by the USPS.
5. Require outer packaging for small lithium batteries to be rigid and of adequate size so that the handling mark can be affixed on one side without the mark being folded.
6. Prohibit UN 3480 lithium-ion and lithium polymer batteries from USPS air transportation.
7. Revise the quantity limitations for UN3480 lithium-ion and lithium batteries in surface transportation to an aggregate mailpiece limit of 5 pounds while retaining the previous battery capacity limitations of 20 Wh/cell and 100 Wh/battery.

Comments Due

Comments on this notice of prospective revision of standards must be received by the USPS on or before March 24, 2017.

Link

The link below will allow you to view/print this notice of prospective revision of standards.

<https://www.gpo.gov/fdsys/pkg/FR-2017-02-22/pdf/2017-03397.pdf>

E. DoA/APHIS Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Final Rule; Delay of Effective Date

HHS/CDC Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review of the list of Select Agents and Toxins and Enhanced Biosafety Requirements; Final Rule; Delay of Effective Date

On February 16, 2017, the Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) published final rules (82 FR 10855) and (82 FR 10864) delaying the effective date of the amendments to the select agent and toxin regulations that were to become effective on February 21, 2017.

Summary

As required by the Presidential directive announced in a memorandum from the Assistant to the President and Chief of Staff on January 20, 2017 titled "Regulatory Freeze Pending Review," this action temporarily delays the effective dates until March 21, 2017.

Summaries of the Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations and the Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review and Enhanced Biosafety Requirements final rules were included in the January 2017 Regulatory Update.

Effective Date

The effective date of this final rule has been delayed until March 21, 2017.

Links

The links below will allow you to view/print the final rules delaying the effective dates.

<https://www.gpo.gov/fdsys/pkg/FR-2017-02-16/pdf/2017-03125.pdf>

<https://www.gpo.gov/fdsys/pkg/FR-2017-02-16/pdf/2017-03044.pdf>