



VEOLIA NORTH AMERICA - INDUSTRIAL BUSINESS REGULATORY UPDATE - May 2017

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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 Kevin McGrath, Veolia Environmental Director at kevin.mcgrath@veolia.com.

A. EPA Electronic Manifest Monthly Update

On May 31, 2017, the Environmental Protection Agency (EPA) conducted a public webinar to discuss the most recent electronic manifest (e-Manifest) system updates.

e-Manifest User Fee Rule

EPA is expecting to complete the rulemaking process in June 2017. The rule will then be forwarded to the Office of Management and Budget (OMB). EPA is expecting the final rule to be published by the end of 2017.

e-Manifest System Development

User testing is currently being conducted on the February 2017 Phase I release of the e-Manifest system. In response to feedback from users, EPA has made several improvements to the e-Manifest system, including enabling generators and treatment, storage, and disposal facilities (TSDFs) to create, update, view, and share their manifests throughout every manifest processing stage. In June 2017, EPA will release a revised version of Phase I for additional user testing and feedback.

EPA is also looking for volunteers for “one-on-one usability” testing of the e-Manifest system. If you are interested in participating in the “one-on-one usability” testing please send an email message to eManifest@epa.gov.

EPA is currently anticipating that the implementation of the e-Manifest system will occur in June 2018.

Link

The link below will open EPA’s Monthly Update: The Hazardous Waste Electronic Manifest System (e-Manifest) webpage.

<https://www.epa.gov/hwgenerators/monthly-update-hazardous-waste-electronic-manifest-system-e-manifest>

B. EPA Trichloroethylene; Regulation of Vapor Degreasing under TSCA Section 6(a); Methylene Chloride and N-Methylpyrrolidone; Regulation of Certain Uses under TSCA Section 6(a); Reopening of Comment Periods

On May 1, 2017, EPA published a notice (82 FR 20310-20311) re-opening the comment periods for the Trichloroethylene; Regulation of Vapor Degreasing under TSCA Section 6(a) and Methylene Chloride and N-Methylpyrrolidone; Regulation of Certain Uses under TSCA Section 6(a) proposed rules.

Summary

On January 19, 2017, published two proposed rules: (82 FR 7432) that would prohibit the manufacture (including import), processing, and distribution in commerce of Trichloroethylene (TCE) for use in vapor degreasing; and (82 FR 7464) that would prohibit the use of Methylene Chloride and N-Methylpyrrolidone in most types of commercial paint and coating removal products (paint strippers) under section 6 of the Toxic Substances Control Act (TSCA). On February 15, 2017, EPA issued an extension of the comment period from March 20, 2017 to April 19, 2017.

This notice reopens and extends the public comment period 30 days to May 19, 2017.

Summaries of these proposed rules are included in the January 2017 Regulatory Update.

Comments Due

Comments on these proposed rules must now be submitted to EPA on or before May 19, 2017.

Link

The link below will allow you to view/print the notice of the reopening of the comment periods.

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-01/pdf/2017-08772.pdf>

C. EPA Chemical Substances when Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements; Final Rule; Delay of Effective Date

On May 12, 2017, EPA published a final rule (82 FR 22088-22089) extending the effective date of the Nanotechnology Reporting and Recordkeeping Requirements Rule (82 FR 3641) that was published on January 12, 2017. The final rule establishes reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale as described in the final rule. The rule requires one-time reporting for existing discrete forms of certain nanoscale materials, and standing one-time reporting requirement for new discrete forms of certain nanoscale materials.

Effective Date

This final rule delays the effective date of this final rule from May 12, 2017 to August 14, 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-2017-05-12/pdf/2017-09683.pdf>

D. EPA Draft Guidance for Reporting of Chemical Substances when Manufactured or Processed as Nanoscale Materials; Notice of Availability and Request for Comment

On May 16, 2017, EPA announced the availability of a draft guidance document titled “Guidance on EPA’s Section 8(a) Information Gathering Rule on Nanomaterials in Commerce” (82 FR 22452-22453).

Summary

This guidance provides answers to questions EPA has received from manufacturers (including importers) and processors of chemical substances when they are manufactured at the nanoscale as described in the January 12, 2017 final rule discussed in C above. EPA is requesting comments regarding the guidance document, but is not accepting comments on the final rule.

Comments Due

Comments on the draft guidance document must be submitted to EPA on or before June 15, 2017.

Links

The link below will allow you to view/print the announcement of the availability of the guidance document.

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-16/pdf/2017-09998.pdf>

The link below will allow you to view/print the draft guidance document.

<https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/control-nanoscale-materials-under#guidance>

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

On May 23, 2017, the Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) published a notice (82 FR 32516-23517) further delaying the effective date of the Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators final rule.

Summary

In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” this action temporarily delays, until June 5, 2017, the effective date of the final rule titled “Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators,” initially effective on February 6, 2017.

The “Regulatory Freeze Pending Review” memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the memorandum the effective dates for certain regulations that had been published in the Federal Register, but had not yet taken effect. Because the original effective date of the final rule published on December 8, 2016, fell within that 60-day window, the effective date of the rule was extended to March 21, 2017, in a final rule published on February 1, 2017 (82 FR 8903). Consistent with the memorandum of the Assistant to the President and Chief of Staff, and as stated in the February 1, 2017, final rule delaying the effective date, the Agency further delayed the effective date of this regulation until June 5, 2017. The delay in the effective date until June 5, 2017, is necessary to provide the opportunity for further review and consideration of this new regulation, consistent with the January 20, 2017, memorandum.

Effective Date

Following this delay, the new effective date of the final rule is June 5, 2017.

Link

The link below will allow you to view/print the notice of the further extension of the effective date.

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-23/pdf/2017-10556.pdf>

F. OSHA Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness; Final Rule; Resolution of Disapproval

On May 3, 2017, the Occupational Safety and Health Administration (OSHA) published a final rule (82 FR 20548-20549) removing the “Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of each Recordable Injury and Illness” amendments from the Code of Federal Regulations.

Summary

Under the Congressional Review Act, Congress has passed, and the President has signed, Public Law 115-21, a resolution of disapproval of OSHA’s “Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of each Recordable Injury and Illness” final rule. This final rule,

which was published on December 19, 2016, contained amendments to OSHA's recordkeeping regulations. Because Public Law 115-21 invalidates these amendments, OSHA is removing the amendments from the Code of Federal Regulations.

Effective Date

This final rule removing the amendments from OSHA's regulations became effective on the date of publication, May 3, 2017.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-03/pdf/2017-08754.pdf>

G. DOJ/DEA Schedules of Controlled Substances: Temporary Placement of 4-Fluoroisobutyryl Fentanyl into Schedule I; Temporary Scheduling Order

On May 3, 2017, the Department of Justice, Drug Enforcement Administration (DEA) published a temporary scheduling order (82 FR 20544-20548) placing the synthetic opioid, *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or *para*-fluoroisobutyryl 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 recreational abuse of fentanyl-like substances continues to be a significant concern. Evidence suggests that the abuse of fentanyl analogues, include 4-fluoroisobutyryl fentanyl, parallels that of heroin and prescription opioids. Seizures of 4-fluoroisobutyryl fentanyl have been encountered in powder form, as a single substance and in combination with other substances including heroin, methamphetamine, and cocaine.

Based on the data and information summarized above, the continued uncontrolled manufacture, distribution, importation, exportation, and abuse of 4-fluoroisobutyryl fentanyl pose an imminent hazard to public safety. Therefore, the Administrator has determined that it is necessary to temporarily place 4-fluoroisobutyryl fentanyl into Schedule I of the CSA.

Effective Date

This temporary scheduling order became effective on May 3, 2017.

Link

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

<https://www.gpo.gov/fdsys/pkg/FR-2017-05-03/pdf/2017-08943.pdf>