Veolia North America - Industrial Business Regulatory Update - July 2020

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N. **DEA; Schedules of Controlled Substances: Placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMBCHMICA and 5F-CUMYL-P7AICA in Schedule I and Extension of Temporary Placement; Notice of Proposed Rulemaking and Extension of Temporary Placement**

A. Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 7/14/2020
Effective Date: 7/14/2020

Summary

The Environmental Protection Agency (EPA) is correcting the existing regulatory language for the Toxics Release Inventory (TRI) Program. These corrections include modifying the identifiers, formulas, and names for certain TRI-listed chemicals. Additionally, the EPA is updating the text that identifies which chemicals the 0.1 percent de minimis concentration applies to in order to remedy a cross-reference to a no-longer-accurate Occupational Safety and Health Administration (OSHA) regulatory citation.

Following are the actions being taken in the final rule:

- Removal of chemical names for those chemicals that have been delisted or moved to other listings;
- Incorporate listings in 40 CFR 372.65(b) for chemicals that are listed in 40 CFR 372.65(a) but are not listed in 40 CFR 372.65(b);
- Correct inaccurate Chemical Abstracts Service Registry Numbers (CASRNs);
- Correct errors in chemical category definitions;
- Remedy other known errors in the CFR chemical lists;
- Remove leading zeros from CASRNs;
- Correct errors in the list of lower thresholds for chemicals of special concern; and
- Revise the list of chemical names to include only the TRI primary name and the EPA registry name (if different from the TRI primary name) as a synonym.
- Replace an existing outdated cross-referenced regulatory citation
- Modify the text of the *de minimis* exemption, without changing the substance of the exemption itself.

These corrections maintain previous regulatory actions and do not alter existing reporting requirements or impact compliance burdens or costs.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2020-07-14/pdf/2020-11013.pdf

B. Modernizing Ignitable Liquids Determinations; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 07/07/2020
Effective Date: 09/08/2020

Summary

The Environmental Protection Agency (EPA) has published a Final Rule to modernize how the hazardous waste characteristic of ignitability is determined under the Resource Conservation and Recovery Act (RCRA). The rule consists of the following four actions:

1. Updating flash point test methods:

   This rule updates the flash point test methods in 40 CFR 260.11 to allow the use of non-mercury thermometers. Prior to this rule, only mercury thermometers could be used. This final rule updates Methods 1010A and 1020B to the list of acceptable methods. Facilities can continue to use existing methods or the newly added methods.

2. Codifying guidance regarding the definition of aqueous alcohols:

   This rule also narrows the exclusion for aqueous solutions by defining “aqueous” as “at least 50% water by weight.”

3. Adding mercury thermometer alternatives in stack emissions test methods:

   The EPA is adding mercury thermometer alternatives in the air sampling and stack emissions test methods in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, specifically, Methods 0010, 0011, 0020, 0023A and 0051.

4. Updating cross references to DOT regulations:

   The EPA is updating cross references to Department of Transportation (DOT) regulations and also making certain other conforming amendments and technical corrections.

The EPA expects that the implementation of these new and improved methods will not affect the analytical results when compared to the previous methods. The rulemaking relied on input from waste generators, laboratories, and members of the public through a 60-day public comment period.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2020-07-07/pdf/2020-12695.pdf

C. EPA Continues to Aggressively Address PFAS on the Federal, State, and Local Level; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 7/28/2020

Summary

The Environmental Protection Agency (EPA) has taken aggressive action in addressing per- and polyfluoroalkyl substances (PFAS). The EPA published a news release on July 28th, 2020 in order to summarize recent activity.

July 2020 activity includes the following:

- The EPA made progress in implementing the PFAS Action Plan.
- Two new PFAS proposals were sent to the Office of Management and Budget (OMB) for interagency review. The proposals are "Interim Guidance on the Destruction and Disposal of PFAS and Materials Containing PFAS" and "Unregulated Contaminant Monitoring Rule 5 (UCMR 5)."
- The final Significant New Use Rule for long-chain PFAS was published in the Federal Register.
- The EPA, the U.S. Department of Defense, the U.S. Department of Agriculture, and the U.S. Department of Health and Human Services announced a partnership with the National Academies of Sciences, Engineering, and Medicine to coordinate a workshop to review federal PFAS research efforts and help identify possible research gaps. Click here to access EPA's PFAS research page and click here for the status of specific PFAS research projects.
- The EPA Region 5 presented results from EPA's analyses of PFAS relating to chrome electroplating operations to more than 500 participants on a public webinar hosted by the Michigan Department of Environment, Great Lakes, and Energy. The EPA has also participated in other examples of technical assistance to states and localities.
- The EPA added new treatment options for four new PFAS compounds and 20 new scientific references to the Drinking Water Treatability Database.
- The EPA publicly released updates to the CompTox Chemical Dashboard.
- The EPA's PFAS Innovative Treatment Team completed a Memorandum of Understanding with a U.S.-based company specializing in disposal of biosolids, green waste, and biomass and plans to conduct field research with them this summer.

Reference/Link

The link below will allow you to view/print this news release.

https://www.epa.gov/newsreleases/trump-epa-continues-aggressively-address-pfas-federal-state-and-local-level

D. OLEM Spring 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Office of Land and Emergency Management (OLEM)

Dates

Published Date: July, 2020

Summary

OLEM 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. Following are the waste-related topics applicable to Veolia operations.

Office of Land and Emergency Management - Final Rule Stage
1. Modernizing Ignitable Liquids Determinations - 2050-AG93
Office of Land and Emergency Management - Proposed Rule Stage
1. Integrating e-Manifest With Exports and Other Manifest-Related Reports - 2050-AH12
2. Designating PFOA and PFOS as CERCLA Hazardous Substances - 2050-AH09

Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2000&csrf_token=FE0143E7454FB9701A073F84B92D028390EB2342B4A906C886AEC4614D7F26719EDDC2A4E21B3BB4F8CA4B0489145DA2716C

E. Notice To Extend Exemption From Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals; Extension of Temporary Exemption

Agency

Transportation Security Administration (TSA)

Dates

Published Date: 7/31/2020
Effective Date: 08/01/2020
Effective Through: 10/29/2020 unless otherwise modified by TSA

Summary

The Transportation Security Administration (TSA) is extending for 90 days the exemption from Renewal of the Hazardous Materials Endorsement Security Threat Assessment for Certain Individuals that TSA published on April 8, 2020 (85 FR 19767). Veolia included a summary of this in the April 2020 Veolia Regulatory Update.

Under this exemption, states may extend the expiration date of hazardous materials endorsements (HMEs) that expire on or after March 1, 2020, for 180 days, due to restrictions and business closures in place in response to the COVID-19 pandemic. If a state grants an extension, the individual with an expired HME must initiate the process of renewing his or her security threat assessment (STA) for the HME no later than 60 days before the end of the state-granted extension.

Reference/Link

The link below will allow you to view/print this extension of temporary exemption.

https://www.govinfo.gov/content/pkg/FR-2020-07-31/pdf/2020-16359.pdf

F. DOT Spring 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Federal Motor Carrier Safety Administration (FMCSA); Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Published Date: July, 2020

Summary

The Department of Transportation 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. Following are the waste-related topics applicable to Veolia operations.

Federal Motor Carrier Safety Administration - Final Rule Stage
1. Hours of Service of Drivers - 2126-AC19
2. Extension of Compliance Date for Entry Level Driver Training - 2126-AC25
3. Amendments to Motor Carrier Safety Assistance Program - 2126-AC02
4. Commercial Driver's License Standards, Requirements and Penalties; Exclusive Electronic Exchange of Driver History Record Information - 2126-AC36
Federal Motor Carrier Safety Administration - Proposed Rule Stage
1. Out of State Knowledge Test - 2126-AC23
2. Driver Qualifications; Revising the Vision Standard - 2126-AC21
3. Record of Violations - 2126-AC15
4. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License - 2126-AC11
Pipeline and Hazardous Materials Safety Administration - Final Rule Stage
1. Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders - 2137-AE80
2. Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018) - 2137-AF20
3. Hazardous Materials: Harmonization With International Standards - 2137-AF46
4. Hazardous Materials: Adoption of Miscellaneous Petitions to Reduce Regulatory Burdens - 2137-AF33
Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage
1. Hazardous Materials: Harmonization With International Standards - 2137-AF32
Pipeline and Hazardous Materials Safety Administration - Prerule Stage
1. Hazardous Materials: Regulatory Reform Initiatives and Reducing Unnecessary

Burdens - 2137-AF47

Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=2100&csrf_token=035DEC64D5A92B4E628B8C17AC203E2D4AAC368ADA2579B15A1591683458205E2BE4EEF04306E3A91B60DEFA339E76A182F9

G. Virginia Adopts First-in-the-Nation Workplace Safety Standards for COVID-19 Pandemic; New Standard

Agency

Virginia Department of Labor and Industry (DOLI)

Dates

Published Date: 7/15/2020

Summary

Virginia is the first state to adopt a statewide emergency workplace safety standard in response to COVID-19. This standard will protect Virginia workers by mandating appropriate personal protective equipment, sanitation, social distancing, infectious disease preparedness and response plans, recordkeeping, training, and hazard communications in the workplace across the state. As of now there are no federal guidelines regarding COVID-19 workplace safety standards.

The emergency temporary standards, infectious disease preparedness and response plan templates, and training guidance are posted on the Virginia Department of Labor and Industry website at doli.virginia.gov.

Reference/Link

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

https://www.governor.virginia.gov/newsroom/all-releases/2020/july/headline-859234-en.html

H. Rules of Agency Practice and Procedure Concerning Occupational Safety and Health Administration Access to Employee Medical Records; Final Rule

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 7/30/2020
Effective Date: 7/30/2020

Summary

OSHA has issued a final rule that amends the regulation addressing the rules of agency practice and procedure concerning OSHA access to employee medical records. This final rule transfers the approval of written medical access orders (MAO) from the Assistant Secretary for OSHA to the OSHA Medical Records Officer (MRO). This final rule also makes the MRO responsible for making determinations regarding interagency transfer and public disclosure of personally identifiable medical information in OSHA's possession.

Personally identifiable employee medical information as defined by 29 CFR 1913.10(b)(2) means employee medical information accompanied by either direct identifiers (name, address, social security number, payroll number) or by information which could reasonably be used in particular circumstances indirectly to identify specific employees (e.g. date of birth, race, sex, date of initial employement, job title). Due to the substantial personal privacy interests involved, access to personally identifiable employee medical information is exercised only after the agency has made a careful determination of the need for the information. When the information is needed, OSHA takes priority to ensure that the information is only accessible to the individuals that require the information and is kept secure while being used.

Reference/Link

The link below will allow you to view/print this Final Rule.

https://www.govinfo.gov/content/pkg/FR-2020-07-30/pdf/2020-15562.pdf

I. Revising the Beryllium Standard for General Industry; Final Rule

Agency

Occupational Safety and Health Administration (OSHA), Labor

Dates

Published Date: 7/14/2020
Effective Date: 9/14/2020

Summary

OSHA is amending the general industry standard for occupational exposure to beryllium and beryllium compounds to clarify certain provisions and simplify or improve compliance. The revisions in this final rule aim to maintain or enhance worker protections by ensuring that the rule is well understood and compliance is more straightforward.

In January 2017, OSHA published a final rule on occupational exposure to beryllium and beryllium compounds. In this July 2020 final rule OSHA is finalizing the majority of the changes from the December 2018 notice of proposed rulemaking.

After careful consideration and review of public comments OSHA has decided to adopt the following changes to the standard:

- The addition of one definition and modifications to five existing definitions. The term that OSHA is adding is beryllium sensitization. The terms that are being modified include beryllium work area, CBD diagnostic center, chronic beryllium disease, confirmed positive, and dermal contact with beryllium

- Revisions to Paragraph (f) Methods of compliance - These revisions include wording changes to paragraph (f)(1). The first proposed change relates to cross-contamination in the written exposure control plan. The revision is to change the wording from “preventing the transfer of beryllium” to “minimizing the transfer of beryllium.” This recognizes that the procedures may not totally eliminate the transfer of beryllium between surfaces, equipment, clothing, materials and articles. The second proposed change involves one of the circumstances when employers must update their written exposure control plan. This change will replace the phrase “airborne exposure to and dermal contact with beryllium” with “exposure to beryllium.” The purpose of this revision is to simplify the language of the provision.

- Revisions to Paragraph (h) Personal protective clothing and equipment - There are two revisions to paragraph (h). The first revision addresses removal and storage of PPE. The standard will now explain that the employers are required to ensure that each employee removes all beryllium contaminated PPE ‘‘at the completion of all tasks involving beryllium’’ (83 FR at 63754). The second revision addresses cleaning and replacement of PPE. The new standard will replace the phrase “airborne exposure to and dermal contact with beryllium” with “exposure to beryllium” when explaining that businesses must notify the persons or business entities who launder, clean or repair the PPE required by this standard.

- Revisions to Paragraph (i) Hygiene areas and practices - There are three changes to paragraph (i). The first change broadens the requirement for washing facilities. The revision changes the wording from “for each employee working in a beryllium work area” to “each employee… who can reasonably be expected to have dermal contact with beryllium. The second change to this paragraph is similar to the first change but it broadens the requirement for changing rooms. The standard now states that employers must provide a changing room to employees who may have a reasonable expectation of dermal contact with beryllium. The third change requires the employer to ensure that, before employees enter an eating or drinking area, beryllium contaminated PPE is cleaned, as necessary, to be as free as practicable of beryllium by methods that do not disperse beryllium into the air or onto an employee’s body (83 FR at 63768).

- Revisions to Paragraph (j) Housekeeping - There are seven changes to paragraph (j). The first revision involves adding requirements to the reuse of material that has been contaminated with beryllium. The second revision involves reorganizing two paragraphs, this is not a substantive revision. Third, OSHA proposed a simplifying

change relating to the description of which materials must be labeled and cleaned or enclosed prior to transfer for disposal, recycling, or reuse. The fourth revision involves adding an explicit exemption for materials transferred within a plant from the cleaning and enclosure requirements in new paragraphs (j)(3)(ii) and (iii). The fifth change focused on the requirement to place items in "sealed, impermeable enclosures" the standard now states that employers must utilize enclosures that prevent the release of beryllium-containing particulate or solutions under normal conditions of use, storage and transport. In the sixth revision the agency explained that, regardless of whether an employer chooses to clean or enclose materials designated for disposal, the labeling requirements under proposed paragraph (j)(3)(i) would apply and would require that the materials designated for disposal be labeled in accordance with paragraph (m)(3) of this standard. In the seventh revision for this paragraph OSHA is removing the phrase "surface beryllium contamination."

- Revisions to Paragraph (k) Medical Surveillance - The revisions in this paragraph specify which employees must be offered medical surveillance, as well as the frequency and content of medical examinations. OSHA is taking away the requirement to provide a medical examination within 30 days after determining that the employee shows signs or symptoms of CBD or other beryllium in an emergency. This is being changed to at least one year after but no more than two years after the employee is exposed to beryllium in an emergency.

- Revisions to Paragraph (m) Communication of Hazards - The revisions in this paragraph clarify the existing regulations. The first changes the phrase "each bag and container" of clothing, equipment, and materials contaminated with beryllium to "each immediate container." The next two revisions change the phrase "airborne exposure to and contact with beryllium" and "contact with beryllium."

- Revisions to Paragraph (n) Recordkeeping - In order to maintain consistency among OSHA recordkeeping requirements for substance-specific standards, the agency has decided not to require employers to delete employee SSNs from existing records relating to beryllium or to use an alternative employee identifier. The final rule allows employers the option to still use SSNs or to use some other alternative employee identifier system, as explained in the SIP–IV final rule.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2020-07-14/pdf/2020-10678.pdf

J. OSHA Spring 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)

Dates

Published Date: July, 2020

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. Following are the waste-related topics applicable to Veolia operations.

Occupational Safety and Health Administration - Final Rule Stage
1. Exposure to Beryllium to Review General Industry Provisions - 1218-AD20
Occupational Safety and Health Administration - Proposed Rule Stage
1. Update to the Hazard Communication Standard - 1218-AC93
2. Powered Industrial Trucks - 1218-AC99
3. Lock-Out/Tag-Out Update - 1218-AD00
4. Walking Working Surfaces - 1218-AD28
5. Drug Testing Program and Safety Incentives Rule - 1218-AD24
Occupational Safety and Health Administration - Prerule Stage
1. Emergency Response - 1218-AC91
2. Blood Lead Level for Medical Removal - 1218-AD10

Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=32&Image58.y=18&csrf_token=324098139B2CE168A7BE6FC7BA18C7A98EC471F1EDF041CB2B7170E0831D8C88EDD35FC4EAB9298B95FD00FA7243AB9A1595

K. The Sustainable Electronics Reuse & Recycling (R2) Standard; New Standard

Agency

Reuse & Recycling (R2)

Dates

Published Date: 07/01/2020
Effective Date: 07/01/2020

Summary

The Sustainable Electronics Reuse & Recycling (R2) Standard by SERI establishes responsible reuse and recycling practices for the management and processing of used electronics. This is a standard that is recognized globally.

SERI released Version 3.0 of the standard in July, 2020. The requirements have the same scope and intent of the previous standards but they are reorganized into Core Requirements and Process Requirements. The Core Requirements are applicable to all R2 facilities while the Process Requirements are only applicable to R2 facilities that perform specific processes.

Core Requirement changes:

- Scope - SERI has added scope requirements to ensure that all R2-related activities performed by a facility are audited and included on the R2 Certificate. SERI has also revised the definition of “Scope” to clarify included and excluded operations/activities.
- Hierarchy of Responsible Management Strategies - SERI wanted to ensure that there was a high focus on a more circular economy.
- EH&S Management System - SERI has removed redundant requirements and increased emphasis on risk assessment, inspection, and monitoring activities to ensure potential hazards are being identified and managed.
- Legal and Other Requirements - SERI has added requirements to prohibit the use of child and forced labor and develop and maintain a non-discrimination policy.
- Tracking Throughput - SERI added new requirements for tracking, managing and maintaining records for all equipment managed and managing inventory levels and storage of R2 controlled streams.
- Sorting, Categorization and Processing - SERI has permitted facilities to use their own internal categories if they are mapped to corresponding categories in the R2 Equipment Categorization (REC).
- Data Security - SERI has enhanced requirements for securing the facility; receiving and securing data containing equipment; and securing and tracking equipment during transport.
- Focus Material - SERI has added requirements for focus materials management plans and downstream flowcharts to final disposition or to the first R2 Facility. The Existing R2:2013 requirements for Removal of Focus Materials and Selection of Downstream Vendors have been moved to PROCESS Requirements.
- Facility Requirements - The new standard defines requirements for processing and storage areas. The standard also requires an evaluation of risk and insurance for injury/illness and requires a closure plan and financial assurance. The new standard has moved pollution liability insurance to a PROCESS requirement.
- Transport - SERI has added information in order to clarify the packaging, labeling and shipping requirements.

Process Requirement changes:

- Downstream Recycling Chain - The new standard gives facilities the option to track the entire downstream chain, OR register their portion of the chain with SERI and stop tracking at the first R2 Certified facility.
- Data Sanitization - SERI has added an appendix for an enhanced level of security, practices, verification and tracking.
- Test and Repair - Facilities that are performing test and repair in-house must be certified to the Quality Management System Standard ISO 9001 or RIOS. There is a 1 year limit to process equipment and components. There are also technical competency requirements for workers.
- Specialty Electronics - SERI has added new requirements for R2 Facilities concentrating on specialty equipment markets such as medical and commercial telecom equipment. This Process Requirement will not eliminate the ability for most R2 facilities to sell Specialty Equipment for Reuse under the 1% rule.
- Materials Recovery - Facilities that are engaged in processing electronics for materials recovery must have Environmental Pollution Liability Insurance, additional EH&S hazard identification and controls.
- Brokering - The new standard contains requirements for brokering only (no facility), AND for facilities that perform brokering services. Brokering parties must have QMS certification. The standard also requires that the parties are certified to process Downstream Recycling Chain and they must provide packaging requirements to the seller prior to shipment in accordance with CORE 10.

Reference/Link

The link below will allow you to learn more about SERI and view past standards.

https://sustainableelectronics.org/

L. Registration and Reregistration Fees for Controlled Substance and List I Chemical Registrants; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 7/24/2020
Effective Date: 10/01/2020

Summary

The Drug Enforcement Administration (DEA) is adjusting the fee schedule for registration and re-registration fees necessary in order to recover the costs of its Diversion Control Program. The Diversion Control Program (DCP) is responsible for maintaining a closed system of distribution by preventing the diversion of controlled substances and listed chemicals in the U.S. and enforcing the provisions of the Controlled Substances Act (CSA). This program was established in part with the purpose of ending the deadly cycle of prescription opioid

misuse.This final rule adopts the proposed rulemaking published on March 16, 2020 without change. This topic was included in the March 2020 Veolia Regulatory update.

The following chart explains the new fee for each organization type:

Organization Type	**Fee**
Manufacturers of Controlled Substances	$3,699 per year
Distributors, Reverse Distributors, Importers and Exporters of Controlled Substances	$1,850 per year
Controlled Substance Business Activities Involving Dispensing (Pharmacy, Hospital/Clinic, Practitioner, Teaching Institution, Mid-level Practitioner)	$888 per 3 year cycle
All other business activities of controlled substances (Research, Narcotic Treatment Programs, and Chemical Analysis)	$296 per year
Manufacturers of List I Chemicals	$3,699 per year
Distributors, Importers, and Exporters of List I Chemicals	$1,850 per year

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2020-07-24/pdf/2020-16169.pdf

M. Reporting of Theft or Significant Loss of Controlled Substances; Notice of Proposed Rulemaking

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 7/29/2020
Comment Due: 9/28/2020

Summary

The Drug Enforcement Agency (DEA) has published a notice of proposed rulemaking regarding DEA Form 106. This form is used by DEA registrants to report thefts or significant losses of controlled substances. The purpose of the amendment to the rule is to clarify that all such forms must be submitted electronically. Additionally, the new rule being proposed will

add new requirements for the form to be submitted accurately and within a 15-day time period.
This proposed rule would not change the requirement for registrants to notify the DEA Field Division Office in their area, in writing of the theft or significant loss of any controlled substance within one business day of discovery. Currently, the vast majority of the DEA Form 106 submissions are completed electronically. The DEA is predicting that this rule will result in a minor cost savings as it is eliminating the need to print and mail the forms.

Comments must be submitted electronically or postmarked on or before September 28, 2020.

Reference/Link

The link below will allow you to view/print this Notice of Proposed Rulemaking.

https://www.govinfo.gov/content/pkg/FR-2020-07-29/pdf/2020-15635.pdf

N. Schedules of Controlled Substances: Placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMBCHMICA and 5F-CUMYL-P7AICA in Schedule I and Extension of Temporary Placement; Notice of Proposed Rulemaking and Extension of Temporary Placement

Agency

Drug Enforcement Agency (DEA), Department of Justice (DOJ)

Dates

Published Date: 7/13/2020
Comments Due: 8/12/2020
Effective Date: 7/10/2020
Expiration Date: 07/10/2021 unless the DEA publishes a final rule making this scheduling action permanent or terminates the scheduling order early

Summary

The Drug Enforcement Administration (DEA) proposes placing naphthalen-1-yl 1-(5-fluoropentyl)-1Hindole-3-carboxylate (trivial names: NM2201; CBL2201), N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5- fluoropentyl)-1H-indazole-3- carboxamide (trivial name: 5F-ABPINACA), 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1H-indazole-3- carboxamide (trivial names: 4-CNCUMYL-BUTINACA; 4-cyano-CUMYLBUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA, SGT–78), methyl 2-(1-(cyclohexylmethyl)-1Hindole-3-carboxamido)-3- methylbutanoate (trivial names: MMBCHMICA, AMB-CHMICA), and 1-(5- fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3- carboxamide (trivial name: 5F-CUMYLP7AICA), including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act.

The Acting Administrator of the Drug Enforcement Administration is also issuing a temporary scheduling order to extend the temporary schedule I status of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMBCHMICA, and 5F-CUMYL-P7AICA. This temporary order will extend the scheduling for one year, to July 10, 2021, or until the permanent scheduling action for these substances is completed, whichever occurs first.

Handlers of CSA's Schedule I controlled substances are subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. Registration
2. Security
3. Labeling and Packaging
4. Quota
5. Inventory
6. Records and Reports
7. Order Forms
8. Importation and Exportation
9. Liability

Reference/Link

The link below will allow you to view/print this notice of proposed rulemaking.

https://www.govinfo.gov/content/pkg/FR-2020-07-13/pdf/2020-14901.pdf

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The link below will allow you to view/print this Extension of Temporary Scheduling Order.

https://www.govinfo.gov/content/pkg/FR-2020-07-13/pdf/2020-14902.pdf