

Veolia North America - Industrial Business

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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, Director, Environment at kevin.mcgrath@veolia.com.

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A. EPA Welcomes Members of the Biden-Harris Leadership Team; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 01/21/2021

Summary

The Environmental Protection Agency (EPA) has announced key members of the agency's incoming leadership team. The team's stated goal is to advance the Biden-Harris administration's agenda to tackle the climate crisis, advance environmental justice and create clean energy jobs. Currently, the acting administrator of the EPA is Jane Nishida.

Members of the incoming EPA leadership team are listed here along with their intended new role:

- Radha Adhar, Deputy Associate Administrator for Congressional Affairs
- Victoria Arroyo, Associate Administrator for Policy
- Tomás Elias Carbonell, Deputy Assistant Administrator for Stationary Sources, Office of Air and Radiation
- Alison Cassady, Deputy Chief of Staff for Policy
- Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
- Rosemary Enobakhare, Associate Administrator for Public Engagement and Environmental Education
- Philip Fine, Principal Deputy Associate Administrator for Policy
- Radhika Fox, Principal Deputy Assistant Administrator, Office of Water
- Michal Ilana Freedhoff, Principal Deputy Assistant Administrator for Chemical Safety and Pollution Prevention
- Joseph Goffman, Principal Deputy Assistant Administrator, Office of Air and Radiation
- Lindsay Hamilton, Associate Administrator for Public Affairs
- Sinceré Harris, White House Liaison
- Melissa Hoffer, Principal Deputy General Counsel
- Casey Katims, Deputy Associate Administrator for Intergovernmental Affairs
- John Lucey, Special Assistant to the Administrator
- Dan Utech, Chief of Staff

To view the full Chronology of EPA Administrators click the following link:

<https://www.epa.gov/history/chronology-epa-administrators>

Reference/Link

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

<https://www.epa.gov/newsreleases/epa-welcomes-members-biden-harris-leadership-team>

B. EPA publishes 2019 Annual Toxics Release Inventory Report and Analysis; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 01/12/2021

Summary

The U.S. Environmental Protection Agency (EPA) released its 2019 Toxics Release Inventory (TRI) National Analysis, which shows that companies that manage chemicals continue to make progress in preventing pollution. The results of this report show that total releases of TRI chemicals decreased by 9 percent from 2018 to 2019.

The report has also shown that for the first time in five years the industrial and federal facilities have reported an increase in the number of new source reduction activities. These new source reduction activities aim to reduce or eliminate the amount of chemical-containing waste. Preferred practices such as recycling, treatment, and energy recovery were implemented to avoid releasing 89 percent of the chemical-containing waste created and managed during 2019 into the environment.

To access the 2019 TRI National Analysis, including local data and analyses, visit www.epa.gov/trinationalanalysis.

Reference/Link

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

<https://www.epa.gov/newsreleases/epa-publishes-2019-annual-toxics-release-inventory-report-and-analysis-0>

C. NJDEP Compliance Advisory - Right to Know and Pollution Prevention Requirements Added for Newly Reportable Chemicals; Compliance Advisory

Agency

New Jersey Department of Environmental Protection (NJDEP)

Dates

Published Date: 01/26/2021

Summary

Facilities in New Jersey that are subject to the Community Right to Know (CRTK) and Pollution Prevention (P2) programs will be subject to reporting Per- and Polyfluoroalkyl Substances (PFAS) and the Nonylphenol Ethoxylates (NPE) category on the CRTK Survey and the Release and Pollution Prevention Report (RPPR) for 2020. There are 172 unique PFAS chemicals and the NPE category covers 13 unique chemicals to be aggregated and reported under the compound category.

To see the full list of PFAS please click the following link -

<https://www.nj.gov/dep/enforcement/opppc/crtk/ehssub2020.pdf>

Facilities that are subject to reporting must track the use of these chemicals at the facility to accurately prepare the required reports in the upcoming year. The threshold for reporting on the CRTK Survey by March 1, 2021 will be 500 pounds at any one time. The annual threshold for the RPPR due by July 1, 2021 will be 100 pounds of Manufacture, Process or Otherwise Use. The de minimis level for Perfluorooctanoic acid (PFOA) (CASRN: 335-67-1) is 0.1%. All the other PFAS additions have a de minimis level of 1%.

For questions on CRTK reporting please contact the Department via e-mail at RTK@dep.nj.gov. For questions on the RPPR, please contact the Bureau of Compliance Support & Pollution Prevention via e-mail at rpprp2@dep.nj.gov or by phone at 609-777-0518.

Reference/Link

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

https://www.nj.gov/dep/enforcement/advisories/2021-01.pdf?utm_medium=email&utm_source=govdelivery

D. 2019 Biennial Report Summary Data Now Available; Database

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 01/29/2021

Summary

The Environmental Protection Agency (EPA) has published the most recently reported biennial report data online. Data regarding hazardous waste generation and management activities must be submitted by certain generators and treatment, storage and disposal facilities (TSDFs) nationwide.

The most recent data covers activities performed in 2019 and can be accessed in the Resource Conservation and Recovery Act (RCRA) Info Web database at the link below.

Reference/Link

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

<https://rcrapublic.epa.gov/rcrainfoweb/action/modules/br/summary/view>

E. Fact Sheet on Non-Hazardous Secondary Materials Determinations and Scrap Tires; Fact Sheet

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/2020

Summary

The Environmental Protection Agency (EPA) has published a fact sheet titled “Fact Sheet on Non-Hazardous Secondary Materials Determinations and Scrap Tires.” This fact sheet explains how to determine whether scrap tires are considered solid waste or not. Scrap tires that are discarded are solid waste. Scrap tires that remain within the control of the generator and meet the legitimate criteria are not considered solid waste.

This designation is important because scrap tires that are solid waste must be processed when combusted as fuel. Scrap tires that are NOT solid waste may be combusted as fuel without first being processed. The Non-Hazardous Secondary Materials (NHSM) regulations found in 40 CFR Part 241 identify which of such materials are and are not solid wastes when combusted as fuels. NHSM used as a fuel in combustion units that remain within the control of the generator and that meet the legitimacy criteria are not solid wastes when combusted as fuel.

The legitimacy criteria (40 CFR section 241.3(d)(1)) states that the NHSM must:

- Be managed as a valuable commodity
- Have a meaningful heating value and be used as a fuel in a combustion unit that recovers energy
- Contain contaminants or groups of contaminants at levels comparable to or lower than traditional fuels that the combustion unit is designed to burn

Scrap tires that are not discarded but are managed under an established tire collection program are a categorical non waste fuel (40 CFR section 241.4(a)(1)). These tires are considered non-waste because they have not been discarded and they meet the legitimacy criteria (76 FR 15534). Since such tires are not solid waste they do not need to be processed when combusted as fuel.

Abandoned tires (often found in abandoned scrap tire piles) have been discarded and do not remain within the control of the generator, and thus do not meet the criteria set forth in 40 CFR section 241.3(b)(1). They are not being managed as a valuable commodity and are solid waste. Even though abandoned tires could be beneficially reused whole as fuel, the statutory definition of solid waste under the Resource Conservation and Recovery Act (RCRA) does not allow this. (76 FR 15476.)

Reference/Link

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

https://www.epa.gov/sites/production/files/2020-12/documents/scrap_tire_fact_sheet_dec_2020_v2.pdf

F. **Hazardous and Solid Waste Management System: Land Disposal Restrictions; Information for Petitioners Seeking a No-Migration Variance Under the RCRA Land Disposal Restrictions for Temporary Placement of Treated Hazardous Waste Within a Permitted Subtitle C Landfill; Notice**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 01/19/2021

Comments Due: 02/18/2021

Summary

The Environmental Protection Agency (EPA) has published a notice in the Federal Register to request comment on guidance on petitions for a No Migration Variance (NMV) under the Land Disposal Restrictions (LDRs). Currently, persons may apply for an NMV to allow for the land placement of hazardous waste that, if approved, would allow for the placement of hazardous waste in such a unit where the waste does not meet applicable LDR treatment standards.

Specifically, this guidance addresses how to make a demonstration that the treated waste and constituents will not migrate beyond the temporary waste pile. The RCRA statutory language requires a demonstration “to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the waste remains hazardous” (RCRA § 3004(d)(1)).

The regulations in 40 CFR 268.6(a) describe the components of what a demonstration must address; 40 CFR 268.6(b) specifies certain criteria that must be satisfied for that demonstration, and 40 CFR 268.6(c) describes the monitoring program that will be used to verify that the conditions of the NMV are being met. The components for an NMV demonstration outlined in 40 CFR 268.6(a) are:

- Descriptions of the specific waste(s) and specific unit for which the demonstration will be made;
- Waste analysis describing the chemical and physical characteristics of the waste;
- Comprehensive characterization of the disposal unit site, including air, soil, and water quality;
- Monitoring plan to detect migration at the earliest practicable time;
- Sufficient information to assure EPA that the owner/operator of the unit receiving the wastes will comply with other applicable federal, state, and local laws.

Comments on the guidance must be received on or before February 18, 2021.

To view the No Migration Variances to the Hazardous Waste LDR Prohibitions- Draft Guidance for Petitioners [EPA-530-R92-023] please click the following link - <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2020-0689-0003>

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-19/pdf/2021-00585.pdf>

G. Qualifications of Drivers; Vision Standard; Notice of Proposed Rulemaking

Agency

Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 01/12/2021

Comments Due: 03/12/2021

Summary

FMCSA proposes to amend its regulations to permit individuals who cannot meet either the current distant visual acuity or field of vision standard or both, in one eye to be physically qualified to operate a commercial motor vehicle (CMV) in interstate commerce. Currently, such individuals are prohibited from driving CMVs in interstate commerce unless they obtain an exemption from FMCSA. The Agency proposes an alternative vision standard for physical qualification that, if adopted, would replace the current vision exemption program as a basis for establishing the physical qualification determination for these individuals.

Alternate Proposed Vision Standard

Just as in the alternative standard for insulin-treated diabetes mellitus, the alternative vision standard would involve a two-step process for physical qualification. First, an individual seeking physical qualification would obtain a vision evaluation from an ophthalmologist or optometrist who would record the findings and provide specific medical opinions on the proposed Vision Evaluation Report, Form MCSA-5871, which incorporates the recommendations of the Medical Review Board (MRB). Next, a medical examiner (ME) would perform an examination and determine whether the individual meets the proposed vision standard, as well as FMCSA's other physical qualification standards. If the ME determines that the individual meets the physical qualification standards, the ME could issue a Medical Examiner's Certificate (MEC), Form MCSA-5876, for a maximum of 12 months. This approach of MEs making the physical qualification determination, instead of FMCSA as in the current exemption program, is consistent with Congress's directive in 49 U.S.C. 31149(d) to have trained and certified MEs determine the individual's physical qualification to operate a CMV.

In making the physical qualification determination, the ME would consider the information in the Vision Evaluation Report, Form MCSA-5871, and utilize independent medical judgment to apply four standards. The proposal would provide that, to be physically qualified under the alternative vision standard, the individual must: (1) Have in the better eye distant visual acuity of at least 20/40 (Snellen), with or without corrective lenses, and field of vision of at least 70 degrees in the horizontal meridian; (2) be able to recognize the colors of traffic signals and devices showing standard red, green, and amber; (3) have a stable vision deficiency; and (4) have had sufficient time to adapt to and compensate for the change in vision.

Road Test Requirement

Instead of requiring 3 years of intrastate driving experience with the vision deficiency as in the current exemption program, individuals physically qualified under the proposed alternative vision standard for the first time would complete a road test before operating in interstate commerce. Individuals would be excepted from the road test requirement if they have 3 years of intrastate or excepted interstate CMV driving experience with the vision deficiency, hold a valid Federal vision exemption, or are medically certified under 49 CFR 391.64(b). These individuals have already demonstrated they can operate a CMV safely with the vision deficiency. Motor carriers would conduct the road test in accordance with the road test already required by 49 CFR 391.31. FMCSA finds that a road test would be an appropriate indicator of an individual's ability to operate a CMV safely with the vision deficiency. Thus, the Agency expects there will be no adverse impact on safety from eliminating the 3-year intrastate driving experience criterion.

The proposed standard takes a performance-based approach. The standard emphasizes that the individual has developed the skills to adapt to and compensate for the vision loss once it has been deemed stable by a medical professional, and that the individual has demonstrated the skills to operate a CMV safely. The ME would ensure the driver is physically qualified to operate a CMV in accordance with the physical qualification standards. With limited exceptions, motor carriers would conduct a road test for individuals to ensure they possess the skills needed to operate a CMV safely with the vision deficiency.

Grandfather Provisions

FMCSA proposes that the approximately 1,900 individuals physically qualified under the grandfather provisions in 49 CFR 391.64(b) would have 1 year after the effective date of any final rule to comply with the rule. During that transition year, grandfathered individuals could elect to seek physical qualification through the final rule or 49 CFR 391.64. This transition year would provide time to learn the new process for individuals whose MEC, Form MCSA-5876, expires near the time any final rule becomes effective. However, 1 year after the effective date of the final rule all MECs, Form MCSA-5876, issued under §391.64(b) would become void.

Similarly, the 2,566 vision exemption holders would have 1 year after the effective date of any final rule to comply with the rule, at which time all exemptions issued under 49 U.S.C. 31315(b) would become void. Drivers who hold a vision exemption would be notified by letter with details of the transition to the new standard.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-12/pdf/2020-28848.pdf>

H. Revisions to Civil Penalty Amounts; Final Rule

Agency

Department of Transportation (DOT)

Dates

Published Date: 01/11/2021

Effective Date: 01/11/2021

Summary

In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2020 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In addition, this final rule makes conforming revisions to Federal Motor Carrier Safety Administration regulations to reflect inflationary adjustments to the statutorily-mandated civil penalties for violations of Federal law. This final rule is being published without notice and comment and with an immediate effective date. The penalties are adjusted prospectively, and therefore the penalty adjustments made by this rule will apply only to violations that take place after this rule becomes effective. This rule also does not change previously assessed or enforced penalties that DOT is actively collecting or has collected.

The new penalty amounts equal the existing penalty x 1.01764.

Please refer to the federal register publication for the specific agencies, penalty types and new penalty amounts.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-11/pdf/2020-25236.pdf>

I. Hours of Service of Drivers: Proposed Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Yard Moves; Notice of Proposed Regulatory Guidance; Request for Comments

Agency

Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT)

Dates

Published Date: 01/04/2021

Comments Due: 02/03/2021

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Summary

FMCSA is proposing to revise the regulatory guidance concerning recording time operating a commercial motor vehicle as a “yard move.” This guidance applies to all commercial motor vehicle (CMV) drivers required to record their hours of service. The Agency requests public comments on the proposed guidance, which includes examples of properties that are and are not “yards.” Movements of CMVs in “yards” would be considered “yard moves” and could be recorded as on-duty not driving time rather than driving time. Comments are due on February 3, 2021.

The Federal Motor Carrier Safety Regulations require most drivers of commercial motor vehicles (CMVs) to document their hours of service (HOS) on records of duty status (RODS), identifying one of four duty status options: (1) On-duty not driving, (2) driving, (3) sleeper berth, and (4) off-duty (49 CFR 395.8). Drivers are required to document their duty status on their RODS irrespective of the method used to record the driver's HOS (i.e., whether paper logs or electronic logging devices (ELDs)).

The minimum performance and design standards for ELDs in the Agency's December 16, 2015, final rule, “Electronic Logging Devices and Hours of Service Supporting Documents” (80 FR 78292), require manufacturers to include two special driving categories: Authorized personal use (“personal conveyance”) and “yard moves.” These categories may be used by drivers at the motor carrier's discretion (49 CFR 395.28). FMCSA stated in its Supplemental Notice of Proposed Rulemaking that the intent of the “yard move” category was to capture time “where the CMV may be in motion but a driver is not necessarily in a ‘driving’ duty status” (79 FR 17656, 17668, March 28, 2014). Some commenters asked that the term “yard move” be defined. Commenters generally viewed “yard moves” as an on-duty not driving activity occurring on private property.

The Agency declined to define the term “yard move” in its final rule, noting that “yard moves” relate broadly to the HOS rules, not just to CMV operations using ELDs. The final rule, however, provides that ELDs will record “yard moves” as on-duty not driving time (49 CFR part 395, subpart B, appendix A, section 4.4.1.1(b)).

On February 28, 2020, FMCSA updated its guidance on “yard moves” in the U.S. Department of Transportation's guidance portal (85 FR 12663, March 3, 2020) and reads as follows:

Question 9: A driver drives on streets and highways during the week and jockeys commercial motor vehicles in the yard (private property) on weekends. How is the yard time to be recorded?

Guidance: On-duty (not driving).

FMCSA also published guidance in the guidance portal on February 28, 2020, that distinguishes between movements of the CMV that may be considered as off-duty “personal conveyance” and movements that are on-duty “yard moves.” This guidance is available on the Agency's website in the guidance portal at <https://www.fmcsa.dot.gov/hours-service/elds/when-can-movement-cmv-during-duty-period-be-considered-personal-conveyance> and reads as follows:

Question 12: When can a movement of a CMV during an off-duty period be considered personal conveyance?

Answer: A move may be considered as personal conveyance if the driver is off-duty and the movement is not for the motor carrier, shipper or receiver's commercial benefit. Examples include moving a CMV from one parking space to another at a shipper or port, or driving to a truck stop, rest area or any other location. In these situations, the CMV movement is made in the off-duty period. However, the CMV should be moved no farther than the nearest reasonable and safe location to complete the rest period. An on-duty yard move, such as moving the vehicle a short distance while waiting to load, would not qualify as personal conveyance.

Proposed Guidance Language

FMCSA proposes to clarify when a driver may record time performing “yard moves” as on-duty not driving time by providing examples of properties that qualify as yards. Therefore, the movement of a CMV on these properties would qualify as a “yard move” and be recorded as on-duty not driving time.

FMCSA proposes to replace Question 9 to 49 CFR 395.2 with the following revised Question 9 and seeks comments on this proposed guidance and would read as follows:

Question 9: Under what circumstances may a driver classify the operation of a commercial motor vehicle (CMV) as a yard move and record it as on-duty not driving time?

Guidance: A driver may record time operating a CMV for yard moves as on-duty not driving under 49 CFR 395.8(b) only if the movement of the CMV occurs in a confined area on private property (or intermodal facility or briefly on public roads, as described below). Examples of properties that may qualify as yards include, but are not limited to:

1. An intermodal yard or port facility.
2. A motor carrier's place of business.
3. A shipper's privately-owned parking lot.
4. A public road, but only if and while public access to the road is restricted through traffic control measures such as lights, gates, flaggers or other means. For example, if a driver must operate on a public road briefly to reach different parts of a private property, the movement may be considered a yard move if public access is restricted during the move.

Examples of properties that do not qualify as yards, include, but are not limited to:

1. A public road without the traffic control measures in paragraph (a)(4) above.
2. Public rest areas.

Expiration Date of the Proposed Regulatory Guidance

In accordance with the Fixing America's Surface Transportation (FAST) Act, the proposed regulatory guidance will be posted on FMCSA's website in the guidance portal, <https://www.fmcsa.dot.gov/guidance>, if finalized. It would be reviewed by the Agency no later than 5 years after it is finalized. The Agency would consider at that time whether the guidance should be withdrawn, reissued for another period up to 5 years, or incorporated into the safety regulations.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-04/pdf/2020-29062.pdf>

J. Protecting Worker Health and Safety; Executive Order

Agency

Occupational Safety and Health Act (OSHA)

Dates

Published Date: 01/26/2021

Summary

President Joe Biden has issued an Executive Order titled "Protecting Worker Health and Safety" in order to protect workers from COVID-19 under the Occupational Safety and Health Act (OSHA). The Executive Order states that the following:

1. The Secretary of Labor shall issue revised guidance to employers on workplace safety during the COVID-19 pandemic.
2. The Secretary of Labor shall consider whether any emergency temporary standards on COVID-19, including with respect to masks in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021.
3. The Secretary of Labor shall review the enforcement efforts of the Occupational Safety and Health Administration (OSHA) related to COVID-19 and identify any short-, medium-, and long-term changes that could be made to better protect workers and ensure equity in enforcement.
4. The Secretary of Labor shall launch a national program to focus OSHA enforcement efforts related to COVID-19 on violations that put the largest number of workers at serious risk or are contrary to anti-retaliation principles.

5. The Secretary of Labor shall coordinate with the Department of Labor’s Office of Public Affairs and Office of Public Engagement and all regional OSHA offices to conduct, consistent with applicable law, a multilingual outreach campaign to inform workers and their representatives of their rights under applicable law. This campaign shall include engagement with labor unions, community organizations, and industries, and place a special emphasis on communities hit hardest by the pandemic.
6. The Secretary of Labor shall coordinate with States that have occupational safety and health plans approved under section 18 of the Occupational Safety and Health Act (Act) (29 U.S.C. 667) to seek to ensure that workers covered by such plans are adequately protected from COVID–19, consistent with any revised guidance or emergency temporary standards issued by OSHA. In States that do not have such plans, the Secretary of Labor shall consult with State and local government entities with responsibility for public employee safety and health and with public employee unions to bolster protection from COVID–19 for public sector workers.
7. The Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Energy, in consultation with the heads of any other appropriate agencies, shall, consistent with applicable law, explore mechanisms to protect workers not protected under the Act so that they remain healthy and safe on the job during the COVID–19 pandemic.
8. The Secretary of Labor, acting through the Assistant Secretary of Labor for Mine Safety and Health, shall consider whether any emergency temporary standards on COVID–19 applicable to coal and metal or nonmetal mines are necessary, and if such standards are determined to be necessary and consistent with applicable law, issue them as soon as practicable.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01863.pdf>

K. Rescission of Department of Labor Rule on Guidance; Final Rule

Agency

Department of Labor (DOL)

Dates

Published Date: 01/06/2021

Comments Due: 03/08/2021

Summary

The Department of Labor published a final rule on guidance implementing an Executive order entitled “Promoting the Rule of Law Through Improved Agency Guidance Documents,” on August 28, 2020. In accordance with the “Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation,” issued by President Biden on January 20, 2021, this final rule published on January 27, 2021 rescinds the Department’s rule on guidance.

After consideration and reviewing Biden’s Executive Order, the Department has concluded that the internal rule on guidance deprives the Department and subordinate agencies of necessary flexibility in determining when and how best to issue public guidance based on particular facts and circumstances, and unduly restricts the Department’s ability to provide timely guidance on which the public can confidently rely. Therefore, in accordance with President Biden’s January 20, 2021, E.O., the Department is issuing this final rule, which rescinds the internal rule on guidance published at 85 FR 53163.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01746.pdf>

L. **Virginia Enacts First-in-the-Nation Permanent COVID-19 Workplace Safety and Health Standards Amid Pandemic; Press Release**

Agency

Virginia Governor

Dates

Published Date: 01/27/2021

Effective Date: 01/27/2021

Summary

Virginia has become the first state to implement permanent COVID-19 Workplace Safety and Health Standards. The standards mandate appropriate personal protective equipment, sanitation, social distancing, infectious disease preparedness and response plans, record keeping, training, and hazard communications in workplaces across the Commonwealth. Virginia was also the first state last year to implement an emergency temporary workplace safety and health requirements last year in response to the COVID-19 pandemic. These workplace safety requirements will remain effective throughout the pandemic. The Board will reconvene within 14 days of the expiration of Governor Northam’s COVID-19 emergency declaration to determine whether there is a continued need for the standard.

After receiving a complaint, the Department works with the employer to be compliant with no further investigation. If serious concerns arise in the fact finding interviews or the Department receives multiple complaints, a formal investigation will be launched. Thus far, the Department has received over 13,000 complaints around workplace safety due to COVID-19, with 100 needing full investigation due to serious concerns and 27 employers being cited.

More states will likely implement more permanent standards in the near future. The final permanent standard can be found [here](#). Infectious disease preparedness and response plan templates and training guidance are available at doli.virginia.gov. Workers who feel unsafe in their workplace can file a formal complaint with the federal Occupational Safety and Health Administration [here](#).

Reference/Link

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

<https://www.governor.virginia.gov/newsroom/all-releases/2021/january/headline-891684-en.html>

M. Removal of Certain Explosive Chemicals From the Chemical Facility Anti-Terrorism Standards; Advance Notice of Proposed Rulemaking

Agency

Department of Homeland Security (DHS), Cybersecurity and Infrastructure Security Agency (CISA)

Dates

Published Date: 01/06/2021

Comments Due: 03/08/2021

Summary

The Cybersecurity and Infrastructure Security Agency (CISA) is considering removing all 49 Division 1.1 explosive chemicals of interest from Appendix A of the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. Removing these chemicals of interest from coverage under CFATS would reduce the regulatory requirements for facilities that are currently covered by both CFARS and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations. This would impact a small number of facilities.

Comments on this Advance Notice of Proposed Rulemaking must be received by March 8, 2021. The CISA would like comments on the advisability of removing Division 1.1 explosives from Appendix A to CFATS regulations located at 6 CFR part 27.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-06/pdf/2020-27768.pdf>

N. Amending Regulations To Require Online Submission of Applications for and Renewals of DEA Registration; Notice of Proposed Rulemaking

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 01/07/2021

Comments Due: 03/08/2021

Summary

The Drug Enforcement Administration (DEA) has published a notice of proposed rulemaking in the federal register to require all initial and renewal applications for DEA registration to be submitted online. The purpose of this notice of proposed rulemaking is to simplify the form submission process by requiring that all registration and renewal applications be submitted online. Currently, DEA regulations permit DEA Registration Forms (224/224a, 225/225a, 363/363a, and 510/510a) to be submitted either through the secure online database, or by paper forms delivered to DEA Headquarters. The DEA believes that submission through the secure online database will be a streamlined process which will benefit both DEA and registrants.

Electronic comments must be submitted, and written comments must be postmarked, on or before March 8, 2021.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-01-07/pdf/2020-28532.pdf>