

Veolia North America - Industrial Business

May, 2021

ENVIRONMENTAL UPDATES

- A. [EPA; Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Notice of Virtual Public Listening Sessions; Request for Public Comment](#)
- B. [EPA; Rescinding the Rule on Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process; Interim Final Rule](#)

TRANSPORTATION UPDATES

- C. [DOT; Revisions to Civil Penalty Amounts; Final Rule](#)

HEALTH & SAFETY UPDATES

- D. [OSHA; Hazard Communication Standard; Proposed Rule; Notice of Informal Hearing](#)
- E. [OSHA; Walking-Working Surfaces; Notice of Proposed Rulemaking](#)

MISCELLANEOUS UPDATES

- F. [DOE; Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Long-Term Management and Storage of Elemental Mercury; Notice of Intent](#)
- G. [DEA; Schedules of Controlled Substances: Placement of Four Specific Fentanyl Related Substances in Schedule I; Final Rule](#)
- H. [DEA; Schedules of Controlled Substances: Placement of Serdexmethylphenidate in Schedule IV; Interim Final Rule with Request for Comments](#)
- I. [DEA; Designation of 3,4-MDP-2-P methyl glycidate \(PMK glycidate\), 3,4-MDP-2-P methyl glycidic acid \(PMK glycidic acid\), and alpha-phenylacetoacetamide \(APAA\) as List I Chemicals; Final Rule](#)
- J. [DEA; Schedules of Controlled Substances: Placement of Lasmiditan in Schedule V; Final Rule](#)

A. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Notice of Virtual Public Listening Sessions; Request for Public Comment

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 05/28/2021

Public Listening Sessions: 06/16/2021 and 07/08/2021

Summary

USEPA will host virtual public listening sessions on June 16, 2021 at 12:00 p.m. EDT and July 8, 2021 at 4:00 p.m. EDT. The EPA is looking for comments and suggestions from stakeholders pertaining to the review of EPA Risk Management Program (RMP) regulation revisions completed since 2017 and to address new priorities, as directed under Executive Order 13990: Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis (E.O. 13990). The Occupational Health and Safety Administration (OSHA) will participate in the listening sessions to foster coordination with the EPA and receive comments on the Process Safety Management (PSM) Standard.

Please click the following link for more information and to register:

<https://www.epa.gov/rmp/forms/virtual-public-listening-sessions-risk-management-program-rule>

Reference/Link

The link below will allow you to view/print this Notice of Virtual Public Listening Sessions.

<https://www.govinfo.gov/content/pkg/FR-2021-05-28/pdf/2021-11280.pdf>

B. Rescinding the Rule on Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process; Interim Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 05/14/2021

Effective Date: 06/14/2021

Summary

The Environmental Protection Agency (EPA) is rescinding the final rule entitled “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process.” The EPA is rescinding this rule because the Agency believes that the changes advanced by the rule were inadvisable, untethered to the CAA, and not necessary to effectuate the purposes of the Act.

This decision to rescind the final rule is part of Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis,” which, among other actions, directed the EPA to immediately review and consider suspending, revising, or rescinding the Benefit-Cost Rule as well as the regulations that were promulgated with the Benefit-Cost Rule.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-14/pdf/2021-10216.pdf>

C. Revisions to Civil Penalty Amounts; Final Rule

Agency

Department of Transportation (DOT)

Dates

Published Date: 05/03/2021

Effective Date: 05/03/2021

Summary

In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, this final rule provides the 2021 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 (FMCSA) and Federal Aviation Administration (FAA) 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 1.01182.

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-2021-05-03/pdf/2021-08224.pdf>

D. Hazard Communication Standard; Proposed Rule; Notice of Informal Hearing

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 05/20/2021

Hearing Date: 09/21/2021

Summary

Occupational Safety and Health Administration (OSHA) is scheduling an informal public hearing regarding its proposed “Hazard Communication Standard.” The public hearing will begin September 21, 2021 at 10:00 a.m., Eastern Time (ET) and will be held virtually using WebEx.

Additional information on how to access the informal hearing will be posted when available at <https://www.osha.gov/hazcom/rulemaking>.

The proposed rule was published in the Federal Register on February 16, 2021.

The proposed modifications to the standard include:

1. Revised criteria for the classification of certain health and physical hazards to better capture and communicate the hazards to downstream users,
2. Revised provisions for labels (including proposed provisions addressing the labeling of small containers and the re-labelling of chemicals that have been released for shipment),
3. Technical amendments related to the contents of SDSs, and
4. New provisions relating to concentrations or concentration ranges being claimed as trade secrets.

For a full summary of the proposed rule please see the Veolia Regulatory Update for February, 2021.

The initial public comment period was to end April 19, 2021, but was extended to May 19, 2021, in response to requests from the public. To testify or question witnesses at the hearing, interested persons must electronically submit their notice by June 18, 2021. In addition, those who request more than ten minutes for their presentation at the informal hearing and those who intend to submit documentary evidence at the hearing must submit the full text of their testimony, as well as a copy of any documentary evidence, no later than August 21, 2021.

Reference/Link

The link below will allow you to view/print this Proposed Rule; Notice of Informal Hearing.

<https://www.govinfo.gov/content/pkg/FR-2021-05-20/pdf/2021-10523.pdf>

E. **Walking-Working Surfaces; Notice of Proposed Rulemaking**

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 05/20/2021

Comments Due: 07/19/2021

Summary

OSHA is proposing changes to the Walking-Working Surfaces standards to clarify which handrail and stair rail system requirements apply to new stair rail systems. With this notice, OSHA is proposing language that it believes is clearer without changing the intent of the 2016 final rule.

OSHA is proposing changes to two provisions of the walking-working surfaces standard, Subpart D. The first, would amend 29 CFR 1910.28(b), by clarifying that a stair rail system with a handrail is required on the open side of certain stairways. When determining if a handrail is required one should refer to Table D-2 *Stairway Handrail Requirements*, which specifies handrail requirements based on the variables of stair width and how many sides of the stairway are open. The second, that would amend 29 CFR 1910.29(f), eases a restriction on previously-installed stair rail systems by allowing the top rail of those systems to serve as a handrail when it is as low as 30 inches or as high as 38 inches and meets the other requirements of paragraph (f). OSHA is not proposing to require employers to modify otherwise compliant stair rail systems installed between January 17, 2017, and the date of any final rule resulting from this proposal.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-20/pdf/2021-10561.pdf>

F. Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the Long-Term Management and Storage of Elemental Mercury; Notice of Intent

Agency

Department of Energy (DOE), Office of Environmental Management (EM)

Dates

Published Date: 05/24/2021

Summary

As required by the Mercury Export Ban Act of 2008, as amended (MEBA), the U.S. Department of Energy (DOE) must identify a facility or facilities for the long-term management and storage of elemental mercury generated within the United States.

This Notice of Intent announces that the DOE intends to prepare a supplemental environmental impact statement (DOE/EIS-0423-S2; SEIS-II). This will supplement both the January 2011 Environmental Impact Statement for the Long-Term Management and Storage of Elemental Mercury (DOE/EIS-0423; 2011 Mercury Storage EIS) and the September 2013 Supplemental Environmental Impact Statement for the Long-Term Management and Storage of Elemental Mercury (DOE/EIS-0423-S1; 2013 Mercury Storage SEIS) by updating these previous analyses of potential environmental impacts and analyzing additional alternatives, in accordance with the National Environmental Policy Act (NEPA).

DOE will prepare the SEIS-II in accordance with the Council on Environmental Quality (CEQ) regulations at 40 CFR parts 1500-1508 1 and DOE NEPA implementing procedures at 10 CFR part 1021. In accordance with 10 CFR 1021.311(f), a public scoping process is not required for a DOE-issued SEIS. DOE will issue a Federal Register notice detailing the release of the draft SEIS-II, dates of one or more internet-based public hearings, and directions on submitting public comments. DOE expects to issue the Draft SEIS-II in late 2021.

Additional information regarding DOE's elemental mercury program is available online at <https://www.energy.gov/nepa/doeeis-0423-long-term-management-and-storage-elemental-mercury> .

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-24/pdf/2021-10905.pdf>

G. Schedules of Controlled Substances: Placement of Four Specific Fentanyl Related Substances in Schedule I; Final Rule

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 05/04/2021

Effective Date: 05/04/2021

Summary

The Drug Enforcement Administration is placing four specified fentanyl-related substances permanently in schedule I of the Controlled Substances Act. These four specific substances fall within the definition of fentanyl-related substances set forth in the February 6, 2018, temporary scheduling order. Through the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. The regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle any of these four specified fentanyl-related substances will continue to be applicable permanently as a result of this action.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-04/pdf/2021-09402.pdf>

H. Schedules of Controlled Substances: Placement of Serdexmethylphenidate in Schedule IV; Interim Final Rule with Request for Comments

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 05/07/2021

Effective Date: 05/07/2021

Comments Due: 06/07/2021

Summary

On March 2, 2021, the United States Food and Drug Administration approved a new drug application for AZSTARYS capsules for oral use, a combination drug product containing serdexmethylphenidate chloride and dexamethylphenidate hydrochloride, for the treatment of Attention Deficit Hyperactivity Disorder in patients six years of age or older. The Department of Health and Human Services provided the Drug Enforcement Administration with a scheduling recommendation to place serdexmethylphenidate and its salts in schedule IV of the Controlled Substances Act. In accordance with the Controlled Substances Act, as amended by the Improving Regulatory Transparency for New Medical Therapies Act, Drug Enforcement Administration is hereby issuing an interim final rule placing serdexmethylphenidate, including its salts, isomers, and salts of isomers, in schedule IV of the Controlled Substances Act, thereby facilitating the commercial distribution of AZSTARYS as a lawful controlled substance.

Reference/Link

The link below will allow you to view/print this Interim Final Rule with Request for Comments.

<https://www.govinfo.gov/content/pkg/FR-2021-05-07/pdf/2021-09738.pdf>

I. **Designation of 3,4-MDP-2-P methyl glycidate (PMK glycidate), 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid), and alpha-phenylacetamide (APAA) as List I Chemicals; Final Rule**

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 05/10/2021

Effective Date: 06/09/2021

Summary

The Drug Enforcement Administration is finalizing a December 21, 2020, notice of proposed rulemaking to designate three chemicals, known as PMK glycidate, PMK glycidic acid, and APAA, as list I chemicals under the Controlled Substances Act (CSA). PMK glycidate and PMK glycidic acid are used in and are important to the manufacture of the schedule I controlled substance 3,4-methylenedioxymethamphetamine (MDMA) and other “ecstasy”-type substances, and APAA is used in and is important to the manufacture of the schedule II controlled substances amphetamine and methamphetamine. This final rulemaking subjects handlers (manufacturers, distributors, importers, and exporters) of PMK glycidate, PMK glycidic acid, and APAA to the chemical regulatory provisions of the CSA and its implementing regulations.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-10/pdf/2021-09697.pdf>

J. Schedules of Controlled Substances: Placement of Lasmiditan in Schedule V; Final Rule

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 05/24/2021

Effective Date: 05/24/2021

Summary

The Drug Enforcement Agency (DEA) is adopting this final rule from an interim final rule with request for comments published in the Federal Register on January 31, 2020 placing lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide), including its salts, in schedule V of the Controlled Substances Act without change, apart from a minor amendment to the placement ordering of lasmiditan already made by intervening rules. With the issuance of this final rule, the DEA maintains lasmiditan, including its salts, in schedule V of the CSA.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2021-05-24/pdf/2021-10827.pdf>