Veolia North America - Industrial Business

October, 2022

ENVIRONMENTAL UPDATES

A. EPA; Parent Company Definition for Toxics Release Inventory (TRI) Reporting; Final Rule

B. EPA; A 10-step Blueprint for Managing Pharmaceutical Waste in US Healthcare Facilities; Guidance Document

C. NJDEP; Interim Soil, Soil Leachate, and Indoor Air Criteria, Reporting Limits, and Remediation Standards; Interim Soil Remediation Standards

TRANSPORTATION UPDATES

D. DOT; Hazardous Materials: Safety Device Classification Policy; Notice

HEALTH & SAFETY UPDATES

No Health & Safety Updates for October 2022

MISCELLANEOUS UPDATES

E. APHIS; Notice of Withdrawal of Select Agent Regulatory Exclusions for Two Strains of African Swine Fever Virus; Notice of withdrawal of select agent regulatory exclusions

A. Parent Company Definition for Toxics Release Inventory (TRI) Reporting; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 10/21/2022
Effective Date: 12/20/2022

Summary

The Environmental Protection Agency (EPA) has published a final rule that would codify the definition of "parent company" for TRI reporting purposes. The EPA believes this will enable the EPA to better manage the data collected from the TRI Reports. This requires facilities to report their highest-level foreign parent company when applicable.

The definition of ''parent company'' within TRI reporting regulations is the highest-level company with the largest ownership interest in the TRI facility as of December 31 of the reporting year. This addresses the following ownership scenarios:

- A facility is owned by a single company, which is not owned by another company;
- A facility is owned by a single company, which is owned by another company;
- A facility is owned by multiple companies, including companies that are themselves owned by other entities;A facility is owned by a joint venture or cooperative;
- A facility is owned, at least in part; by a foreign company; and
- A facility is owned by the Federal Government, or a state, tribal, or municipal government.

EPA is also requiring facilities reporting to TRI to use standardized naming conventions for parent company reporting, as provided in the annual TRI Reporting Forms and Instructions (RFI), available as a downloadable Excel file (''Standardized Parent Company Names'') at https://www.epa.gov/tri/rfi. These naming conventions address common formatting discrepancies, such as punctuation, capitalization, and abbreviations (for example, ''Corp'' for ''Corporation'').

This will go into effect December 20, 2022. TRI facilities must report their highest-level U.S.-based parent companies, following the definition of ''parent company'' as codified in 40 CFR 372, beginning with Reporting Year 2022, for which reports are due by July 1, 2023. TRI facilities must also report their highest-level foreign parent company, if applicable, beginning with Reporting Year 2023, for which reports are due by July 1, 2024.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-10-21/pdf/2022-22833.pdf

B. A 10-step Blueprint for Managing Pharmaceutical Waste in US Healthcare Facilities; Guidance Document

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 10/2022

Summary

The Environmental Protection Agency (EPA) has published an updated Guidance Document entitled "A 10-Step Blueprint for Managing Pharmaceutical Waste in US Healthcare Facilities." This is an update to the original 10-step blueprint published on April 15, 2006.

The purpose of the guide is to provide healthcare facilities understanding of the applicable regulations, such as the Resource Conservation and Recovery Act (RCRA), so they can develop a compliant, holistic and cost effective pharmaceutical waste management program. An update for this blueprint is necessary as on February 22, 2019 the EPA published the Final Rule: Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine (referred to as the Pharmaceuticals Rule). It is important to note that states are not required to adopt the Pharmaceuticals Rule in its entirety and are able to have requirements that are more stringent than federal regulations.

The document is split into two groups. The first group (Steps one through three) is meant to give facilities an overview of the regulatory landscape that applies to pharmaceutical waste. The second group (steps four through ten) walks facilities through the process of initiating, updating, and maintaining your pharmaceutical waste management program.

Reference/Link

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

https://www.epa.gov/system/files/documents/2022-10/10_step_blueprint_guide_final_9-22.pdf

C. Interim Soil, Soil Leachate, and Indoor Air Criteria, Reporting Limits, and Remediation Standards; Interim Soil Remediation Standards

Agency

New Jersey Department of Environmental Protection (NJDEP)

Dates

Published Date: 10/17/2022
Effective Date: 10/17/2022

Summary

The New Jersey Department of Environmental Protection (NJDEP) has published Interim Soil Remediation Standards (Interim SRS) for four per- and polyfluoroalkyl substances (PFAS) compounds:

1. perfluorononanoic acid (PFNA);
2. perfluorooctanoic acid (PFOA);
3. perfluorooctane sulfonic acid (PFOS);
4. and hexafluoropropylene oxide dimer acid and its ammonium salt (HFPO-DA or GenX).

There are four exposure pathways with five types of remediation standards as follows:

- Interim Soil Remediation Standards for the Ingestion-Dermal Exposure Pathway
- Interim Soil Remediation Standards for the Inhalation Exposure Pathway
- Interim Soil Remediation Standards for the Migration to Groundwater Exposure Pathway
- Interim Soil Leachate Remediation Standards for the Migration to Groundwater Exposure Pathway
- Interim Indoor Air Remediation Standards for the Vapor Intrusion Exposure Pathway

There are tables for each of these remediation standards based on the four exposure pathways. Each table provides the criterion for both residential and nonresidential areas, the reporting limit, and the residential and nonresidential standards, when applicable. The tables that the NJDEP put together are provided by the NJDEP as a courtesy but the official version of N.J.A.C. 7:26D, Remediation Standards should be consulted for the most accurate information. The tables can be viewed in the following guidance website that the NJDEP created:
https://www.nj.gov/dep/srp/guidance/rs/interim_soil_ia_rl_rs.html

The methodology used to develop the interim SRS is the same methodology used by the Department to develop SRS for the ingestion-dermal exposure pathway for all other contaminants. The interim SRS were derived using the U.S. Environmental Protection Agency's (USEPA) risk-based equations that combine the ingestion and dermal exposure pathways. NJDEP published a fact sheet for each of the tables in the standard, which explains how the standards were developed.

For additional information, including the Soil and Soil Leachate Migration to Groundwater Exposure Pathway Calculator please click the following link:

https://www.nj.gov/dep/srp/guidance/rs/

Reference/Link

The link below will allow you to view/print this Interim Soil Remediation Standards from the New Jersey Register.

https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=1731edd9-be32-40b1-bb79-a03f4b724308&config=025154JABiMmFjYzAxMy1hNjIyLTQ0YTctOTY0NS1iOGNlMTRiYzBkNGQKAFBvZENhdGFsb2flnvGwky16hNN9rcMfcun6&pddocfullpath=%2Fshared%2Fdocument%2Fadministrative-codes%2Furn%3AcontentItem%3A66JG-51J1-DXWW-2209-00008-00&pdcontentcomponentid=234140&pdteaserkey=sr0&pditab=allpods&ecomp=8s65kkk&earg=sr0&prid=8e8a0280-4494-4ee9-8673-39757c31aa85

D. Hazardous Materials: Safety Device Classification Policy; Notice

Agency

US Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Published Date: 10/13/2022
Effective Date: 11/14/2022

Summary

Pipeline and Hazardous Materials Safety Administration (PHMSA) is publishing this notice setting forth and requesting comments from the public and other interested parties regarding its policy on classification of articles containing hazardous materials used in vehicles, vessels, or aircraft to enhance safety to persons. These articles are described as "Safety devices, electrically initiated, 9" for purposes of transportation under the U.S. hazardous material regulations (HMR).

Background

The HMR prescribes requirements for the transportation in commerce of safety devices, including labeling, marking, and shipping paper requirements. The HMR provides that articles containing Class 1 (Explosive) materials must seek classification approval from PHMSA and adhere to important labeling, marking, and shipping paper requirements. The HMR also establishes requirements for the assignment of shipping descriptions that incorporate information regarding the classification of materials as Class 1, Class 9, or another hazard class.

§173.166 of the HMR defines "safety devices" as "articles which contain pyrotechnic substances or hazardous materials of other classes and are used in vehicles, vessels or aircraft to enhance safety to persons." That section identifies three types of proven safety devices (specifically, air bag inflators, air bag modules, and seat-belt pretensioners) that, if certified by a PHMSA-certified explosives testing laboratory as Class 9 materials, do not require PHMSA approval for use of the shipping description "UN3268, Safety devices,

electrically initiated, 9." §173.166, however, contemplates that certain other articles could be eligible for approval by the Associate Administrator for Hazardous Materials Safety for use o the "UN3268, Safety devices, electrically initiated, 9" shipping description. Articles determined by a PHMSA-certified explosives testing laboratory to have passed the testing criteria established in Special Provision 160 and which are used in vehicles, vessels, or aircraft to enhance the safety of persons, may be submitted to the Associate Administrator for approval as a Class 9 (UN3268) safety device. Other safety devices, which had been deemed ineligible for approval as Class 9 hazardous materials by either the terms of §173.166 or the Associate Administrator, may apply for approval to use the shipping description "UN0503, Safety devices, pyrotechnic, 1.4G." Division 1.4G explosives are subject to enhanced labeling, marking, and shipping paper requirements that notify transportation workers, emergency responders, and import controllers of the presence of explosives. In addition, division 1.4G explosives are not allowed for bulk transportation or transport by passenger rail or passenger aircraft.

Since the issuance of HM-215M, PHMSA has received special permit applications to classify Class 1 articles, that had been classified through an EX approval as Division 1.4S explosives and which are not used in vehicle, vessel, or aircraft transportation, as Class 9 (UN3268) safety devices. UN3268 is limited by the HMR for use in transportation, therefore, safety-enhancing articles containing pyrotechnic substances or other hazardous materials that are not used in a vehicle, vessel, or aircraft, such as those for table saws, non-vehicular mining equipment, and life-saving appliances as described in §173.219 cannot be considered "UN3268, Safety Devices, electrically initiated, 9." PHMSA has also received inquiries and requests for interpretations concerning whether subcomponents of vehicle, vessel, or aircraft safety devices could themselves be eligible for use of the shipping description "UN3268, Safety devices, electrically initiated, 9."

In response to those inquiries about the implementation of §173.166, PHMSA in June 2020 issued a request for information seeking public input on specific questions and issues relevant to the shipping description "UN3268, Safety devices, electrically initiated, 9." These questions sought general information and data on the scope and expansion of the safety device application under §173.166, the testing required for consideration and approval as a Class 9 (UN3268) safety device, and the conditions for transport and carriage aboard aircraft for items classified as Class 9 (UN3268) safety devices under §173.166. PHMSA received 14 total comments from various stakeholders including safety device manufacturers, explosive testing labs, and trade associations. The input received from these commenters has been considered in formulating this Policy.

PHMSA publishes this Policy set forth below and seeks comments from the public and interested stakeholders thereon.

Policy on Classification of Articles Used in Vehicles, Vessels, or Aircraft as Class 9 (UN3268) Safety Devices

In order to provide clarity on what types of articles PHMSA will consider for shipping description "UN3268, Safety devices, electrically initiated, 9" under 49 CFR 173.166, PHMSA issues this Policy and guidance. This document outlines the types of safety devices PHMSA will consider for approval as Class 9 (UN3268) safety devices, the process to seek such approval, and documentation to support such an application for approval.

Limitation to Transportation Sector

§173.166 limits the applicability of the shipping description "UN3268 Safety devices, electrically initiated, 9" to "articles which . . . are used in vehicles, vessels, or aircraft to enhance safety to persons." The phrase "used in vehicles, vessels, or aircraft" limits eligibility to articles used in transportation by vehicle, vessel, or aircraft. Therefore, if an article is intended to enhance the safety to persons, but is not used in a vehicle, vessel, or aircraft, it cannot be considered an eligible device under §173.166 at this time.

Subcomponents

PHMSA has received inquiries on whether sub-components of safety devices can themselves be considered Class 9 (UN3268) safety devices under §173.166. Shipping description "UN3268, Safety devices, electrically initiated, 9" is applicable to air bag inflators, air bag modules, seat-belt pretensioners, and other pyromechanical devices. §173.166 describes pyromechanical safety devices as "assembled components" and elsewhere describes some safety devices as being within "completed components." In determining under §173.166 if an article (other than air bag inflators, air bag modules, or seat-belt pretensioners) can appropriately be described as a Class 9 (UN3268) safety device, PHMSA will consider whether a sub-component to a safety device will have elevated risk over the safety device they will become a part of, which could be due to greater concentration or total amount of explosive hazard. PHMSA will balance the potential safety benefits to persons in vehicles, vessels, or aircraft with the potential danger posed by shipping explosive materials that are not incorporated into a larger component device. Many sub-components such as pyrotechnic micro-gas generators (MGGs), that supply a burst of gas but which itself does not produce a stand-alone safety-enhancing mechanical action, are not expected to meet these criteria—due to the safety burden they pose in shipment. To date, PHMSA has not received requests to approve any subcomponents that would enhance safety to persons in vehicles vessels, or aircraft sufficient to outweigh the risks presented by transporting those subcomponents as Class 9 (UN3268) safety devices in transportation. This guidance supersedes PHMSA Letters of Interpretation 18-0035 and 18-0113, which are hereby withdrawn. PHMSA has not issued any approvals consistent with those Letters of Interpretation.

Guidance for Applications for Approval as Class 9 (UN3268) Safety Devices

Applicants seeking approval as Class 9 (UN3268) safety devices other than air bag inflators, air bag modules, and seat-belt pretensioners may apply for such approval pursuant to §173.166(b). Any such articles must be examined and successfully tested by a person or agency who is authorized to perform the examination and testing of explosives under §173.56(b)(1) and submitted to the Associate Administrator for Hazardous Materials Safety for approval and assigned an EX number (see §173.166(b)(1)(iv)).

In order for PHMSA to assign the shipping description "UN3268, Safety devices, electrically initiated, 9" to an article, an applicant must provide, as part of the approval application, sufficient evidence that the article under consideration has been tested, including records of such tests as outlined in §173.166(g)(1). Additionally, applicants may provide information that the article is used in vehicles, vessels, or aircraft, and demonstrated to enhance safety to persons. Data on the number of articles in use listed by vehicle type and the resulting effects on the enhancement of safety to persons is important supporting information for an application under §173.166(b)(1)(iv). Additional supporting documentation may include written statements confirming the use of the subject articles to enhance safety to persons b

manufacturers or modifiers of vehicles, vessels, or aircraft, and statements of recognition from the insurance industry, other trade associations, and/or government bodies that the subject articles are recognized to enhance the safety to persons when used in vehicles, vessels, or aircraft. This may include data that demonstrates the devices have been used in foreign vehicles, vessels, or aircraft applications to enhance the safety to persons. Applicant's claims and supporting documentation will be reviewed and verified by the Associate Administrator during the evaluation and approval process.

An article seeking the shipping description "UN3268, Safety devices, electrically initiated, 9," but that has not been tested and demonstrated to enhance safety to persons when used in vehicles, vessels, or aircraft, would not meet the Associate Administrator's policy for shipping description "UN3268, Safety devices, electrically initiated, 9." In such a case, if the article meets the definition of "explosive", the applicant must seek approval under §173.56 to transport the article in accordance with the procedures for the classification and approval of a new Class 1 explosive. If, after such approval is granted, the applicant can demonstrate that the article is used in vehicles, vessels, or aircraft to enhance safety to persons, then they may request that PHMSA apply shipping description "UN3268, Safety devices, electrically initiated, 9" in accordance with the process described above.

Reference/Link

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

https://www.govinfo.gov/content/pkg/FR-2022-10-13/pdf/2022-22200.pdf

E. Notice of Withdrawal of Select Agent Regulatory Exclusions for Two Strains of African Swine Fever Virus; Notice of withdrawal of select agent regulatory exclusions

Agency

Animal and Plant Health Inspection Service (APHIS)

Dates

Published Date: 10/27/2022
Effective Date: 01/07/2022

Summary

On January 7, 2022 Animal and Plant Health Inspection Service (APHIS) withdrew the select agent regulatory exclusions for two African swine fever virus strains, ASFV–G–DMGF and ASFV–G–D9GL/DMGF. This means that possession, use, and transfer of these strains will now have to comply with APHIS' select agent and toxin regulations.

It was determined that these strains have the potential to pose a severe threat to animal health or animal products and as a result the exclusion was withdrawn.

For more information of select agent regulatory exclusions please visit the below website: www.selectagents.gov

Reference/Link

The link below will allow you to view/print this Notice of withdrawal of select agent regulatory exclusions.

https://www.govinfo.gov/content/pkg/FR-2022-10-27/pdf/2022-23446.pdf