

Veolia North America - Industrial Business

April, 2023

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A. Addressing PFAS in the Environment; Advanced Notice of Proposed Rulemaking

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 4/13/2023

Comments Due: 06/12/2023

Summary

The Environmental Protection Agency (EPA) has published an advanced notice of proposed rulemaking in order to receive input and data to assist in the consideration of potential development of future regulations pertaining to per- and polyfluoroalkyl substances (PFAS).

The EPA is specifically seeking input regarding potential future hazardous substance designation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the following seven PFAS:

1. Perfluorobutanesulfonic acid (PFBS), CASRN 375–73–5
2. Perfluorohexanesulfonic acid (PFHxS), CASRN 355–46–4
3. Perfluorononanoic acid (PFNA), CASRN 375–95–1
4. Hexafluoropropylene oxide dimer acid (HFPO–DA), CASRN 13252–13– 6 (sometimes called GenX)
5. Perfluorobutanoic acid (PFBA) CASRN 375–22–4
6. Perfluorohexanoic acid (PFHxA) CASRN 307–24–4
7. Perfluorodecanoic acid (PFDA) CASRN 335–76–2

In addition to those seven PFAS, the EPA is seeking input on Precursors to PFOA, PFOS, and other PFAS listed above; and categories of PFAS.

Comments must be received on or before June 12, 2023. Under the Paperwork Reduction Act, comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before May 15, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-04-13/pdf/2023-07535.pdf>

B. EPA Proposes Ban on All Consumer, Most Industrial and Commercial Uses of Methylene Chloride to Protect Public Health; News Release

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 4/20/2023

Summary

The Environmental Protection Agency (EPA) has proposed a ban on most uses of methylene chloride under the Toxic Substances Control Act (TSCA). Methylene Chloride is a dangerous chemical known to cause serious health risks and even death.

The ban would allow some uses of Methylene Chloride to continue where strict workplace controls could be implemented to minimize exposure to workers. Since 1980, at least 85 people have died from acute exposure to methylene chloride and many more have experienced severe and long-lasting health impacts, including certain cancers.

EPA's proposed risk management rule would rapidly phase down manufacturing, processing and distribution of methylene chloride for all consumer uses and most industrial and commercial uses, most of which would be fully implemented in 15 months.

EPA will accept public comments on the proposed rule for methylene chloride for 60 days following publication in the Federal Register via docket EPA-HQ-OPPT-2020-0465 at www.regulations.gov

Reference/Link

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

<https://www.epa.gov/newsreleases/epa-proposes-ban-all-consumer-most-industrial-and-commercial-uses-methylene-chloride>

C. New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 4/25/2023

Comments Due: 06/26/2023

Summary

The Environmental Protection Agency (EPA) is proposing amendments to the New Source Performance Standards (NSPS) that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and to the National Emission Standards for Hazardous Air Pollutants (NESHAP) that apply to the SOCMI (more commonly referred to as the Hazardous Organic NESHAP or HON) and Group I and II Polymers and Resins Industries (P&R I and P&R II). The SOCMI source category includes chemical manufacturing processes producing commodity chemicals while the polymers and resins source categories covered in this action include elastomers production processes and resin production processes that use epichlorohydrin feedstocks.

The EPA is also proposing the following:

- Amendments to the NSPS for equipment leaks of volatile organic compounds (VOC) in SOCMI
- To strengthen the emission standards for ethylene oxide (EtO) emissions and chloroprene emissions
- To remove exemptions from standards for periods of startup, shutdown, and malfunction (SSM), to add work practice standards for such periods where appropriate, and to add provisions for electronic reporting

The goal of the proposed amendments are to reduce hazardous air pollutants (HAP) emissions from the SOCMI, P&RI, and P&R II Sources and to reduce VOC emissions from the SOCMI source category.

Comments for this proposed rule must be received on or before June 26, 2023. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before May 25, 2023.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-04-25/pdf/2023-07188.pdf>

D. Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All; Executive Order

Agency

White House

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 or Nick Fiori, EHS Manager at Nicholas.fiori@veolia.com.

Dates

Published Date: 4/25/2023

Summary

President Biden has issued an Executive Order (EO) that discusses the need to advance Environmental Justice (EJ) in order to provide “clean air to breathe; clean water to drink; safe and healthy foods to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure” to all people.

The EO also discusses the need to invest in building an equitable, inclusive and sustainable economy in order to offer economic opportunities and well-paying jobs as part of a clean energy future. The EO identifies communities that have been adversely affected through the placement of polluting industries, hazardous waste sites, landfills and highways. These communities often have a significant proportion of people who have low income and a significant proportion of people of color, including individuals who are Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander.

The EO identifies opportunities for the Nation and the Federal Government to enact positive change. For example, the EO states that the Federal Government must remove barriers to the meaningful involvement of the public in such decision-making, particularly those barriers that affect members of communities with environmental justice concerns, including those related to disability, language access, and lack of resources.

The EO states that each agency should make achieving environmental justice part of its mission and explains the ways that agencies can achieve this while adhering to applicable laws. The EO states that each agency must submit an Environmental Justice Strategic Plan no later than 18 months from the issuance of this EO and every 4 years afterwards. The EO goes on to describe the need for research, data collection, and analysis in order to advance EJ. Additionally, the EO explains the need for community notification on Toxic Chemical Releases. The EO also explains the creation of the White House Environmental Justice Interagency Council and the White House Office of Environmental Justice. The EO concludes by explaining that guidance will be shared within 6 months of this EO and Reports will be submitted to the President within 1 year of this EO.

Reference/Link

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

<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>

E. Hazardous Materials: Public Meeting Notice for the 2024 Emergency Response Guidebook (ERG2024); Notice of Public Meeting

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 4/12/2023

Meeting Date: 05/16/2023 1:00 p.m. to 4:00 p.m. EDT

Summary

PHMSA's Office of Hazardous Materials Safety (OHMS) will hold a public meeting to solicit input on the development of the 2024 edition of the Emergency Response Guidebook (ERG2024). The meeting will take place virtually on Microsoft Teams on May 16, 2023 from 1:00 pm to 4:00 pm EDT.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-04-12/pdf/2023-07619.pdf>

F. Crash Preventability Determination Program; Notice; Request for Comments

Agency

Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 4/13/2023

Comments Due: 06/12/2023

Summary

On April 13, 2023, FMCSA published a notice and request for comments regarding proposed changes to the Crash Preventability Program. This program has been in place since May 2020 and reviews 16 specific crash types and modifies information in the Safety Measurement System (SMS) to distinguish not preventable crashes as reflected in a motor carrier's compliance record in the Compliance, Safety and Accountability Program (CSA). FMCSA uses this information to identify unsafe carrier and driver behaviors and prioritize carriers for interventions. The Crash Preventability Determination Program provides for excluding crashes determined to be "not preventable" when calculating a motor carrier's Crash Indicator BASIC measure and percentile in CSA.

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 or Nick Fiori, EHS Manager at Nicholas.fiori@veolia.com.

In this notice, FMCSA proposes to revise 11 crash types and introduce 4 new crash types. Most notably, FMCSA proposes to:

1. allow for the determination of an accident as not preventable when a commercial motor vehicle is struck on the side by a motorist operating in the same direction as the CMV (previously restricted to only when the CMV was struck in the rear or rear/side of the vehicle) and
2. a new type for any type of crash where a CMV was involved and a video demonstrates the sequence of events of the crash.

Reference/Link

The link below will allow you to view/print this Notice and request for comments.

<https://www.govinfo.gov/content/pkg/FR-2023-04-13/pdf/2023-07818.pdf>

G. Specific Listing for Eutylone, a Currently Controlled Schedule I Substance

Agency

Drug Enforcement Agency (DEA)

Dates

Published Date: 4/10/2023

Effective Date: 4/10/2023

Summary

The Drug Enforcement Administration (DEA) is establishing a specific listing and DEA Controlled Substances Code Number (drug code) for 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one (also known as eutylone or bk-EBDB) in schedule I of the Controlled Substances Act (CSA). Although eutylone is not specifically listed in schedule I of the CSA with its own unique drug code, it has been controlled in the United States since March 7, 2014, as a positional isomer of pentylone, a schedule I hallucinogen.

Therefore, DEA is amending the schedule I hallucinogenic substances list in its regulations to separately include eutylone.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-04-10/pdf/2023-07335.pdf>

H. Designation of 4-Piperidone as a List I Chemical; Final Rule

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 04/12/2023

Effective Date: 05/12/2023

Summary

The Drug Enforcement Administration (DEA) is finalizing the control of 4-piperidone, its acetals, its amides, its carbamates, its salts, and salts of its acetals, its amides, and its carbamates, and any combination thereof, whenever the existence of such is possible, as a list I chemical under the Controlled Substances Act.

DEA proposed control of 4-piperidone due to its use in clandestine laboratories to illicitly manufacture the schedule II controlled substance fentanyl. This rulemaking finalizes the control of 4-piperidone as a list I chemical. A "list I chemical" is a chemical that is used in manufacturing a controlled substance in violation of subchapter I (Control and Enforcement) of the CSA and is important to the manufacture of the controlled substances.

This final rule subjects 4-piperidone to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of list I chemicals including the following controls:

1. Registration
2. Records and Reports
3. Importation and Exportation
4. Security
5. Administrative Inspection
6. Liability

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2023-04-12/pdf/2023-07538.pdf>