

# Veolia North America

Regulatory Update - April 2024



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**A. Interim Guidance on Destroying and Disposing of Certain PFAS and PFAS-Containing Materials That Are Not Consumer Products; Memorandum**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 04/09/2024

Comments Due: 10/15/2024

## Summary

The Environmental Protection Agency (EPA) published a memorandum to announce the release of the 2024 “Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances.”

The Interim Guidance presents currently available information on the destruction and disposal of per- and polyfluoroalkyl substances and PFAS-containing materials. It provides the current state of three large-scale capacity technologies that can destroy PFAS or control PFAS release into the environment:

1. thermal destruction
2. landfills
3. underground injection

Thermal treatment uses high temperatures, well mixed combustion environments, and long residence times to destroy PFAS and control products of incomplete combustion. Based on calculated bond energies, the most difficult fluorinated organic compound to decompose is CF<sub>4</sub>, which require temperatures over 1,400 °C (2,550 °F.) In order to be effective, thermal treatment must provide high concentrations of hydrogen radicals (as in flames) to promote hydrogen fluoride (HF) formation, reducing the strong flame inhibition effects of fluorine radicals.

Data from pilot-scale experiments conducted by EPA researchers indicate that several operating conditions above 1090 °C (1,976°F) resulted in high destruction efficiency (DE) and few detectable fluorinated PIC emissions. However, several conditions below 1,000 °C produced DEs greater than 99.99 percent and yet some nonpolar PFAS PICs. These results suggest that DE alone may not be the best indication of total PFAS destruction, and additional PIC characterization may be warranted.

The guidance document explains that additional research is being conducted in order to determine how thermal treatment could be improved for the destruction of PFAs. For example, processes involving calcium and alumina may have benefits and may require lower energies to destroy PFAS. Recent research (Wang et al., 2011, 2013, 2015) has investigated PFAS interactions with calcium oxide (CaO) and calcium hydroxide (Ca(OH)<sub>2</sub>) at moderate temperatures (200°C to 900°C, or 390°F to 1,650°F) and found that these calcium species exhibit a pseudo-catalytic effect promoting PFAS destruction and fluorine capture at relatively low temperatures.

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Additionally, The injection of PAC upstream of the Filter Fabric may create another potential co-benefit for capturing fluorinated PICs. Studies evaluating PFAS mitigation via SDA/FF with PAC injection will help develop data on this potentially viable technology option. Several laboratory studies have examined the potential benefit of treating PFAS wastes in cement kilns where the calcium in the raw limestone can react with fluorine to form calcium fluoride (CaF<sub>2</sub>). These studies indicate that calcium species react readily with PFAS at relatively low temperatures (400-800°C) to promote mineralization of PFAS waste. Lastly, bench-scale research studies have found that Carbon reactivation systems can degrade PFAS even at the lower temperatures (150°C–700°C, or 302°F– 1,292°F). EPA is interested in studies that measure levels of fluorinated contaminants remaining in both the treated scrubber water stream and the dry CaF<sub>2</sub> stream. EPA encourages additional tests to be performed to demonstrate the ability of thermal treatment technologies to mineralize PFAS. EPA released a testing protocol to destroy PFAS in appendix.

The goal of solid waste landfills is to contain waste, and thereby restrict the release of contaminants within the landfill from entering the environment. Even if liners successfully prevent leachate from reaching groundwater, there is little data on whether concentrated PFAS waste interacts with the different types of geotextiles used for landfill liners. The most common types of liner are made with polyethylene geomembranes. PFAS diffusion through linear low density polyethylene is reported below detection diffusion rates and diffusion through high-density polyethylene may be even slower due to differences in material structure. PFAS likely pass through clay liners, at the same rate as leachate and other constituents such as chloride. The most significant pathway for leachate (and PFAS) transmission through geomembrane or composite liners is via imperfections (e.g., flaws or holes). Leachate from landfills must be considered and treated for the presence of PFAS.

EPA has determined the use of Class I non-hazardous industrial waste and hazardous waste wells for high concentration liquid PFAS waste has a lower potential for environmental release when compared to other PFAS destruction and disposal options. Permitted underground injection of fluids through Class I non-hazardous industrial and hazardous waste wells ensures that injected fluids are confined and cannot enter underground sources of drinking water (USDWs)—the pathway of concern for this waste disposal technology. EPA anticipates the number of current Class I hazardous waste wells that would begin accepting new sources of PFAS-containing waste to be very limited due to the necessary modifications of Class I hazardous waste well permits (e.g., increased injection volumes, changes to waste streams, no migration petitions).

Currently, there is still a lack of data regarding the three technologies that are mentioned above. New research, since 2020, indicates that thermal treatment units operating under certain conditions are more effective at destroying PFAS and minimizing releases or exposures. Certain hazardous waste combustors and GAC reactivation units may operate under these conditions, but uncertainties remain. With the lack of data on thermal treatment efficiency to destroy PFAS and avoid Products of Incomplete Combustion (PICs), EPA is looking for collaboration with a commercial incinerator to conduct tests.

The guidance also includes updated screening methods to assess vulnerable populations near PFAS destruction and disposal sites and incorporates comments EPA received on the original document.

The EPA ranks the following disposal methods from lowest to highest potential to release PFAS in the Environment:

1. Interim Storage
2. Underground Injection
3. Hazardous Waste Landfills - RCRA Subtitle C
4. All landfills type for stable polymeric PFAS - Teflon and FED are not likely to migrate to leachate or volatilize in gas
5. GAC reactivation units - With thermal oxidizers, above 1100 C lack of data on PICs
6. Thermal treatment: Hazardous waste combustors including commercial units, cement kiln, thermal oxidizers - Above 1100 C, well-mixed and adequate residence time Lack of data on PICs
7. Municipal Solid Waste Landfill with composite liners and leachate and gas collection
8. Thermal treatment at lower temperatures including municipal waste combustors, sludge incinerators - data suggest potential PFAS emissions above detection limits at temperatures below 1,000°C
9. Construction and Demolition Landfill - Only used for stable polymeric PFAS

To view the Interim Guidance please click the following link:

<https://www.epa.gov/system/files/documents/2024-04/2024-interim-guidance-on-pfas-destruction-and-disposal.pdf>

To view the Interim Guidance Fact Sheet please click the following link:

[https://www.epa.gov/system/files/documents/2024-04/fact-sheet-epa-pfas-destruction-and-disposal\\_0.pdf](https://www.epa.gov/system/files/documents/2024-04/fact-sheet-epa-pfas-destruction-and-disposal_0.pdf)

The Notice of Availability for Public Comment for this Interim Guidance was posted in the Federal Register on April 16, 2024. Comments on the Interim Guidance must be received on or before October 15, 2024.

## Reference/Link

The link below will allow you to view/print the Memorandum.

<https://www.epa.gov/pfas/interim-guidance-destroying-and-disposing-certain-pfas-and-pfas-containing-materials-are-not>

## **B. PFAS National Primary Drinking Water Regulation; Final Rule**

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 04/26/2024

Effective Date: 06/25/2024

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## Summary

In March 2023, the Environmental Protection Agency (EPA) proposed and requested comment on the National Primary Drinking Water Regulation (NPDWR) and health-based Maximum Contaminant Level Goals (MCLGs) for six per- and polyfluoroalkyl substances (PFAS):

1. perfluorooctanoic acid (PFOA),
2. perfluorooctane sulfonic acid (PFOS),
3. perfluorohexane sulfonic acid (PFHxS),
4. perfluorononanoic acid (PFNA),
5. hexafluoropropylene oxide dimer acid (HFPO–DA, commonly known as GenX Chemicals),
6. and perfluorobutane sulfonic acid (PFBS).

Through this action, the EPA is finalizing the following MCLGs:

Compound	Final MCLG	Final MCL (enforceable levels)
PFOA	Zero	4.0 parts per trillion (ppt) (also expressed as ng/L)
PFOS	Zero	4.0 ppt
PFHxS	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index	1 (unitless) Hazard Index

The EPA has published a webpage which provides a summary on the final rule, supporting materials, regulatory information and supporting documents as well as information on webinars that are available.

To view the EPA webpage on the Final PFAS National Primary Drinking Water Regulation: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-04-26/pdf/2024-07773.pdf>

### C. PFAS Enforcement Discretion and Settlement Policy Under CERCLA; Memorandum

#### Agency

Environmental Protection Agency (EPA)

#### Dates

Published Date: 04/19/2024

#### Summary

On April 19, 2024, the Environmental Protection Agency (EPA) published a Memorandum titled “PFAS Enforcement Discretion and Settlement Policy Under CERCLA” following the designation of two types of PFAS, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The memorandum explains that designating PFOA and PFOS as hazardous substances will allow EPA to use the full strength of CERCLA to address PFAS contamination. At the same time, the rule does not change the statute’s liability framework, which provides liability protections in certain circumstances for parties that are not primarily responsible.

The memorandum aims to provide direction to all EPA enforcement and compliance staff about how EPA will exercise its enforcement discretion under CERCLA in matters involving PFAS. For example, the EPA does not intend to pursue entities including but not limited to community water systems and publicly owned treatment works, municipal separate storm sewer systems, publicly owned/operated municipal solid waste landfills, publicly owned airports and local fire departments, and farms where biosolids are applied to the land. Instead, the EPA will focus on the significant contributors to contamination. These significant contributors are parties that have played a significant role in releasing or exacerbating the spread of PFAS into the environment, such as those who have manufactured PFAS or used PFAS in the manufacturing process, and other industrial parties. This focus will consider environmental justice in order to identify and protect overburdened communities.

The memorandum also includes an overview of CERCLA in order to provide context for this policy. CERCLA was enacted in 1980 in response to public concern about abandoned hazardous waste sites to authorize the federal government to assess sites, clean up contaminated sites and respond to releases of hazardous substances, pollutants and contaminants.

The memorandum re-enforced the EPA's approach to PFAS which is focused on three central directives to address PFAS contamination:

1. Research
2. Restrict
3. Remediate

The EPA will use the following factors in considering whether or not to pursue an entity:

1. Whether the entity is a state, local, or Tribal government, or works on behalf of or conducts a service that otherwise would be performed by a state, local, or Tribal government.
2. Whether the entity performs a public service role in:
  - a. Providing safe drinking water;
  - b. Handling of municipal solid waste;
  - c. Treating or managing stormwater or wastewater;
  - d. Disposing of, arranging for the disposal of, or reactivating pollution control residuals (e.g., municipal biosolids and activated carbon filters);
  - e. Ensuring beneficial application of products from the wastewater treatment process as a fertilizer substitute or soil conditioner; 30 or
  - f. Performing emergency fire suppression services.
3. Whether the entity manufactured PFAS or used PFAS as part of an industrial process.
4. Whether, and to what degree, the entity is actively involved in the use, storage, treatment, transport, or disposal of PFAS.

The EPA requests questions pertaining to this policy be directed to Tina Skaar at [skaar.christina@epa.gov](mailto:skaar.christina@epa.gov).

## Reference/Link

The link below will allow you to view/print the Memorandum.

<https://www.epa.gov/system/files/documents/2024-04/pfas-enforcement-discretion-se-ttlement-policy-cercla.pdf>

## D. EJ Clearinghouse; Webpage

### Agency

Environmental Protection Agency (EPA)

### Dates

Published Date: 04/23/2024

### Summary

The Environmental Protection Agency (EPA) announced a website that contains a compilation of Environmental Justice (EJ) resources. The website includes information on subject matter experts, available funding, screening and mapping tools and public participation.

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## Reference/Link

The link below will allow you to view/print the webpage.

<https://www.epa.gov/environmentaljustice/forms/ej-clearinghouse>

### E. EPA Launches New Website to Improve Transparency in Permitting; News Release

#### Agency

Environmental Protection Agency (EPA)

#### Dates

Published Date: 04/02/2024

#### Summary

The Environmental Protection Agency (EPA) announced the launch of a new website, [epa.gov/permits](https://www.epa.gov/permits). This website is a centralized web-based platform for information about federal environmental permitting.

The new website includes the following:

- Centralized information about all EPA permitting programs, information on delegations of authority to states and descriptions of other requirements that are often applicable (such as Endangered Species Act and National Historic Preservation Act consultation).
- Public-facing reports and resources, including environmental justice and civil rights in permitting information.
- FAST-41 information, including an explanation of EPA's roles under the Act and a table that shows the status of EPA permits needed for FAST-41 projects and project tracking.
- Inflation Reduction Act information regarding funding allocated to EPA for improving efficiencies in permitting.

## Reference/Link

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

<https://www.epa.gov/newsreleases/epa-launches-new-website-improve-transparency-permitting>

### F. Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; RCRA Section 3007 Survey for Drum Reconditioning Facilities; Notice

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## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 04/24/2024

Comments Due: 06/24/2024

## Summary

The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), RCRA Section 3007 Survey for Drum Reconditioning Facilities. EPA is soliciting public comments on specific aspects of the proposed information collection as described below:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology

Comments must be submitted on or before June 24, 2024.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-04-24/pdf/2024-07972.pdf>

### **G. Strategic Civil-Criminal Enforcement Policy; Memorandum**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 04/17/2024

## Summary

On April 17, 2024, The Assistant Administrator for the Office of Enforcement and Compliance Assurance of the Environmental Protection Agency (EPA) released a new policy memorandum on the coordination of the criminal and civil enforcement offices.

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Policy requires the following measures:

- Increased collaboration between the civil and criminal enforcement programs on the development and implementation of EPA's national and regional priorities, including the National Enforcement and Compliance Initiatives (NECIs) and regional strategic plans;
- Enhanced case screening to promote fairness and consistency and robust discussion of what enforcement option should be utilized to address violations, including whether parallel proceedings should be initiated, and continued coordination throughout each enforcement action to ensure those initial case choices protect public health and the environment;
- Improved case management through enhanced tracking of case screening that promotes information sharing about violations and ensures ready access to compliance histories and case developments, while maintaining enforcement confidentiality; and
- Updated training programs to ensure effective partnership between civil and criminal enforcement offices that include the requirements of this Policy, factors to consider in deciding whether to pursue criminal, civil, or administrative enforcement, and best practices for managing information sharing and parallel proceedings to prevent case delays.

The policy will require monthly civil-criminal enforcement meetings to ensure the two enforcement groups are discussing which cases will be investigated criminally. The two offices will make independent decisions on which cases to pursue. The policy also states that both offices must comply with legal and ethical requirements on information sharing and evidence gathering. The civil program must alert the criminal program when they identify potential criminal conduct (e.g., evidence of falsification of data, concealment of evidence, chronic non-compliance, or other deceptive or misleading conduct). The policy requires coordination throughout the life of the action. It sets goals of having clear direction in the first year on what action will be taken, where possible, and charges will be filed or concluded within two to three years. For administrative matters, the goal is to conclude the action within 12 to 18 months.

EPA also plans to develop a national case tracking system as a part of their overall data management modernization efforts. Civil and criminal enforcement offices will share information on pending cases. The stated purpose is so that each office can modify their actions/decisions based on what happens in their region as well as in other regions where the company might operate. The policy contains an appendix that lists the factors that should be considered during civil and criminal enforcement efforts.

## Reference/Link

The link below will allow you to view/print the Memorandum.

<https://www.epa.gov/system/files/documents/2024-04/strategic-civil-criminal-enforcement-policy-april-2024.pdf>

## H. Hazardous Materials: Harmonization with International Standards; Final Rule

### Agency

Department of Transportation (DOT)

### Dates

Published Date: 05/10/2024

Effective Date: 05/10/2024

Voluntary Compliance Date: 01/01/2023

Delayed Compliance Date: 04/10/2025

### Summary

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking.

PHMSA is amending the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by adopting various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA is also withdrawing the unpublished November 28, 2022, Notice of Enforcement Policy Regarding International Standards on the use of select updated international standards in complying with the HMR during the pendency of this rulemaking.

PHMSA is making corrections to multiple Hazardous Materials Table (HMT) entries that were inadvertently modified in previous rulemakings. For the full list of changes please refer to the posting of the final rule in the federal register.

Section 173.185 prescribes requirements for the transportation of lithium cells and batteries. PHMSA is making numerous changes to this section as follows:

- Test Reports Excepted for Button Cell Batteries Installed In Equipment
  - Paragraph (a) classification revisions: Paragraph (a) provides general classification provisions, which include requirements for manufacturers and subsequent distributors of lithium cells and batteries to provide others in the supply chain a test summary of the battery, which contains information regarding the cells and batteries.
  - In this final rule, PHMSA is revising § 173.185(a)(3)(x) to require the test summary to indicate the name and title of a responsible person. A signature would no longer be required.
  - Additionally, PHMSA is amending paragraph (a)(3) to exempt button cell batteries installed in equipment (including circuit boards) from the test summary requirements. This amendment will give shippers of traditionally

less regulated products, such as wrist watches and key fobs, an exception from the need to maintain a test summary document.

- Further, PHMSA is making an editorial amendment by deleting the onset date in paragraph (a)(3) as January 1, 2022, has passed, and the paragraph now applies generally.
- New Requirement for Wh Rating Marked on Lithium Ion Batteries
  - PHMSA is adding a new paragraph (a)(5) to require marking the outer casing of lithium ion batteries with the Watt-hour (Wh) rating. This is consistent with the provisions for smaller lithium ion batteries in § 173.185(c)(1)(i), which require that “each lithium ion battery subject to this provision must be marked with the Watt-hour rating on the outside case.” PHMSA added this provision to the HMR in HM-224F. While the requirement was added to the HMR for smaller lithium ion batteries (as a condition for use of an exception), no similar provision was added for other lithium ion batteries (i.e., those not offered in accordance with, or eligible for, the paragraph (c) exceptions). However, upon review, PHMSA noted that the international regulations generally require the marking of the Wh rating on the outside of the casing. PHMSA expects that this amendment will improve safety, as the marking of the Wh rating on the outer casing of a lithium ion battery assists a shipper in better understanding the energy capacity of the battery, and thus, ensures compliance with hazard communication and packing provisions associated with Wh limitations. PHMSA is clarifying in this final rule that the requirement to mark the Wh rating only applies to lithium ion batteries and not lithium ion cells.
- Clarification of Packaging Requirements for Lithium Cells/Batteries Packed With Equipment
  - Paragraph (b) packaging revisions: Section 173.185(b)(3) contains packaging provisions for lithium cells or batteries packed with equipment. Paragraph (b)(3)(iii) provides two authorized packaging configurations for lithium cells and batteries packed with equipment. Specifically, it permits lithium cells and batteries, when packed with equipment, to be placed in: (1) inner packagings that completely enclose the cell or battery, then placed in an outer packaging; or (2) inner packagings that completely enclose the cell or battery, then placed with equipment in a package that meets the PG II performance requirements as specified in paragraph § 173.185(b)(3)(ii). The intent of the first option provided in paragraph (b)(3)(iii)(A) is to permit packing only the cells or batteries in a UN specification packaging, and then place this packaging with the equipment, for which the batteries are intended, in a non-UN specification outer packaging. The intent for the second option provided in paragraph (b)(3)(iii)(B) is to pack both the cells or batteries and the equipment in a UN specification outer packaging. In a working paper submitted at the ICAO 2020 Working Group Meeting, it was noted that the actual text for the two options was not clear. Specifically, paragraph (b)(3)(iii)(A) does not clearly state that the specification packaging containing the cells or batteries is then packed with the equipment into a non-specification outer packaging. Consistent with the clarifying revision in the ICAO Technical Instructions, and to align more closely with the text in packing instruction P903 of the UN Model Regulations, PHMSA is revising paragraph (b)(3)(iii)(A) by clearly indicating that the cells or batteries must be placed in a specification package of a type that meets PG II performance requirements and then placed together with the equipment in a strong, rigid

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outer non-specification packaging. For additional clarity, PHMSA also is revising paragraph (b)(3)(iii)(B) by replacing the text “package” with the phrase “packaging of a type” when referring to the specification package meeting the PG II performance requirements.

- Revisions to the Lithium Battery Mark
  - Section 173.185(c) provides exceptions for smaller cells or batteries. Paragraph (c)(3) specifies requirements for the lithium battery mark. In the NPRM, PHMSA proposed to remove the telephone number requirement from the lithium battery mark with a phaseout date of December 31, 2026.
  - In this final rule, PHMSA is revising the lithium battery mark by removing the double asterisk from the example figure and the corresponding requirement in paragraph (c)(3)(i)(C) to replace the double asterisk with the telephone number. PHMSA is setting a transition period authorizing the use of the current lithium battery mark until December 31, 2026.

In 2017—as part of the HM-215N final rule PHMSA added four new Division 4.1 (flammable solid) entries for polymerizing substances to the HMT and added defining criteria, authorized packagings, and safety requirements, including, but not limited to, stabilization methods and operational controls into the HMR. These changes remained in effect until January 2, 2019, while PHMSA used the interim period to review and research the implications of the polymerizing substance amendments. In 2020—as part of the HM-215O final rule—PHMSA extended the date the provisions remained in effect from January 2, 2019, to January 2, 2023, to allow for the additional research to be completed on the topic. In this final rule, PHMSA is removing the phaseout date (January 2, 2023) from the transport provisions for polymerizing substances to allow for continued use of the provisions.

Section 173.151 contains exceptions for Class 4 hazardous materials. In the NPRM, PHMSA proposed to add “151” to column 8a of the HMT for “UN 3148, Water-reactive liquid, n.o.s.” However, § 173.151(d) currently only refers to Division 4.3 “solid” dangerous when wet materials, which is contradictory to the liquid state of UN 3148. In this final rule, PHMSA is making an editorial revision to § 173.151(d), which currently contains only the words “solids” to describe Division 4.3 (self-reactive) materials. PHMSA is revising this paragraph to include “solids” and “liquids” to accurately reflect that Division 4.3 materials could be either in a solid or liquid state.

The Final Rule also promulgates revisions for the following topics:

- Pi-Marked Pressure Receptacles
- Exception For De Minimis Quantities of Non-Infectious Biological Specimens
- Forbidden Shipments
- Additional Test Method For Assigning a Packing Group to Class 8 Materials
- ID8000 Consumer Commodities
- Revisions to the Self-Reactive Materials Table
- Revisions to the Organic Peroxides Table
- Cylinder Valve Protection and Quick Release Valves
- Construction Standards for Rigid Plastic IBCs
- Construction Standards for Composite IBCs
- Revisions to the Shipment of Hazardous Materials By Air

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-04-10/pdf/2024-06956.pdf>

### I. **Worker Walkaround Representative Designation Process; Final Rule**

## Agency

Occupational Safety and Health Administration (OSHA)

## Dates

Published Date: 04/01/2024

Comments Due: 05/31/2024

## Summary

The Department of Labor (DOL) published a final rule clarifying the rights of employees to authorize a representative to accompany an Occupational Safety and Health Administration (OSHA) compliance officer during an inspection of their workplace.

The final rule clarifies that workers may authorize another employee to serve as their representative or select a non-employee. For a non-employee representative to accompany the compliance officer in a workplace, they must be reasonably necessary to conduct an effective and thorough inspection. A non-employee representative may be necessary due to the following reasons: a lack of skill, knowledge or experience or language or communication barriers.

OSHA does not outline qualifications for who the non-employee representative could be but examples include the following:

- attorney
- labor union representative
- bilingual interpreters
- consultant

The final rule clarifies that OSHA inspectors have the ability to make a final judgment on whether the non-employee representative may be involved in the inspection.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-04-01/pdf/2024-06572.pdf>

**J. Schedules of Controlled Substances: Placement of Etodesnitazene, N-Pyrrolidino Etonitazene, and Protonitazene in Schedule I; Final Order**

**Agency**

Drug Enforcement Administration (DEA)

**Dates**

Published Date: 04/11/2024

Effective Date: 04/11/2024

**Summary**

The Drug Enforcement Administration is permanently placing the following substances including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation, in schedule I of the Controlled Substances Act:

- 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine
  - other names: etodesnitazene; etazene,
- 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole
  - other names: N-pyrrolidino etonitazene; etonitazepyne
- N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1Hbenzimidazol-1-yl)ethan-1-amine
  - other name: protonitazene

This final order imposes permanent regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with, or possess), or handle etodesnitazene, N-pyrrolidino etonitazene, and protonitazene. This final order is effective April 11, 2024.

**Reference/Link**

The link below will allow you to view/print the Final Order.

<https://www.govinfo.gov/content/pkg/FR-2024-04-11/pdf/2024-07684.pdf>

**K. Schedules of Controlled Substances: Extension of Temporary Placement of Butonitazene, Flunitazene, and Metodesnitazene in Schedule I of the Controlled Substances Act; Temporary Scheduling Order**

**Agency**

Drug Enforcement Administration (DEA)

## Dates

Published Date: 04/11/2024

Expiration Date: 04/12/2025, If DEA publishes a final rule making this scheduling action permanent, this order will expire on the effective date of that rule, if the effective date is earlier than April 12, 2025.

## Summary

The Drug Enforcement Administration is extending the temporary schedule I status of butonitazene, flunitazene, and metodesnitazene, effective April 12, 2024. This temporary order will extend the temporary scheduling of these three substances for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first.

## Reference/Link

The link below will allow you to view/print the Temporary Scheduling Order.

<https://www.govinfo.gov/content/pkg/FR-2024-04-11/pdf/2024-07689.pdf>

### L. **Elemental Mercury Management and Storage Fees; Final Rule**

## Agency

Department of Energy (DOE)

## Dates

Published Date: 04/29/2024

Effective Date: 04/29/2024

## Summary

The Department of Energy (DOE) is removing the regulatory provisions established by the final rule Elemental Mercury Management and Storage Fees that was published in the Federal Register on December 23, 2019.

On September 5, 2020, the U.S. District Court for the District of Columbia issued an order that vacated and remanded the rule to DOE for reconsideration. This action amends the Code of Federal Regulations to reflect the Court's order.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-04-29/pdf/2024-09134.pdf>