

Veolia North America - Industrial Business

February, 2024

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MISCELLANEOUS UPDATES

No Miscellaneous Updates for February 2024

A. Listing of Specific PFAS as Hazardous Constituents; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 02/08/2024

Comments Due: 04/08/2024

Summary

The Environmental Protection Agency (EPA) is proposing to add nine specific per- and polyfluoroalkyl substances (PFAS), their salts, and their structural isomers to the list of hazardous constituents. The hazardous constituents are listed in Appendix VIII of the RCRA regulations. The nine PFAS are as follows:

1. perfluorooctanoic acid
2. (PFOA), perfluorooctanesulfonic acid
3. (PFOS), perfluorobutanesulfonic acid
4. (PFBS), hexafluoropropylene oxidedimer acid (HFPO-DA or GenX),
5. perfluorononanoic acid (PFNA),
6. perfluorohexanesulfonic acid (PFHxS),
7. perfluorodecanoic acid (PFDA),
8. perfluorohexanoic acid (PFHxA), and
9. perfluorobutanoic acid (PFBA)

Based on EPA's evaluation the above nine PFAS qualify as RCRA hazardous constituents due to exposure to these PFAS having toxic and adverse effects in animals, humans, or both. The toxicity and health effects for the nine PFAS are listed in the federal register in section V.B. If this proposed rule is finalized, these nine PFAS would be among the hazardous constituents which are identified for consideration in RCRA facility assessments and would be managed through the RCRA corrective action process at RCRA treatment, storage, and disposal facilities (TSDFs.) This proposed rule would not make the PFAS listed above a hazardous waste, however, "a hazardous constituent listing is a step toward a potential hazardous waste listing", as stated in the proposed rule. The EPA will evaluate available data to determine if future regulatory action is appropriate. This proposed rule would be required to be adopted into State regulations as it is more stringent than existing Federal requirements.

This proposed rule would impact hazardous waste TSDFs with Solid Waste Management Units (SWMUs) that have released or could release any of the PFAS proposed to be listed as RCRA hazardous constituents. This proposed rule could also affect other entities, the EPA lists the North American Industrial Classification System (NAICS) codes for potentially affected entities in Table II-1 which is posted in the Federal Register. This proposed rule would not have an impact on Publicly Owned Treatment Works (POTW) or Solid Waste Disposal Facilities (such as municipal waste or construction and demolition landfills) unless they also operate as a hazardous waste TSDF.

Comments for this proposed rule must be received on or before April 8, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-02-08/pdf/2024-02324.pdf>

B. Definition of Hazardous Waste Applicable to Corrective Action for Releases From Solid Waste Management Units; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 02/08/2024

Comments Due: 03/26/2024 (This was extended on 3/6/2024)

Summary

The Environmental Protection Agency (EPA) has published a proposed rule which would amend the definition of hazardous waste applicable to corrective action to address releases from solid waste management units at RCRA-permitted treatment, storage, and disposal facilities. The EPA is taking this action to address releases of any substances that meet the statutory definition of hazardous waste. The EPA is proposing to modify the regulations in § 260.10 to make clear that the statutory definition of hazardous waste applies to corrective action for releases of hazardous waste from solid waste management units. Specifically, in § 270.2, EPA is proposing to expressly apply the statutory definition of hazardous waste to the permitting requirements in § 270.14(d), which support § 264.101.

The EPA expects that the proposed rule would facilitate corrective action to address substances that meet the statutory definition of hazardous waste, but are not regulatory hazardous waste, by providing clear regulatory authority. This proposed rule would be applicable on the effective date in all States.

Comments for this proposed rule must be received on or before March 11, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-02-08/pdf/2024-02328.pdf>

C. Hazardous Waste Electronic Manifest System (“e-Manifest”) Advisory Board: Request for Public Input for Charge Questions to the Advisory Board; Public Notice

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 02/21/2024

Comments Due: 03/22/2024

Summary

The Environmental Protection Agency (EPA) is requesting public input for potential charge questions which the Agency could consider when consulting the e-Manifest Advisory Board (“Advisory Board”) regarding the operations of EPA’s hazardous waste electronic manifest system (“e-Manifest”).

The following relevant topics could be discussed in the questions:

- operational activities
- functions
- policies
- regulations of EPA under the e-Manifest Act

The purpose of the Advisory Board is to provide recommendations to the EPA Administrator on matters related to the e-Manifest program activities, functions, policies, and regulations of the EPA under the e-Manifest Act.

Advisory Board charge recommendations comments must be received on or before March 22, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-02-21/pdf/2024-03496.pdf>

D. Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions; Semiannual Regulatory Agenda

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 02/09/2024

Summary

The Environmental Protection Agency (EPA) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Final Rule Stage	
1. Accidental Release Prevention Requirements: Risk Management Program Under the Clean Air Act; Safer Communities by Chemical Accident Prevention	2050-AH22
2. Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations	2050-AH08
3. Integrating e-Manifest With Exports and Other Manifest-related Reports, PCB Manifest Amendments, and Technical Corrections	2050-AH12
4. Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Implementation of Closure	2050-AH18
5. Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections	2050-AH23
6. Designating PFOA and PFOS as CERCLA Hazardous Substances	2050-AH09
7. Methylene Chloride (MC); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK70
8. Carbon Tetrachloride (CTC); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK82
9. Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK84
10. Flame Retardants; Significant New Use Rules for Certain Non-ongoing Uses	2070-AL07
11. Per- and Polyfluoro Alkyl Substances (PFAS) Designated as Inactive on the TSCA Inventory; Significant New Use Rule	2070-AL10
Proposed Rule Stage	
1. Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives	2050-AH24
2. Listing of PFOA, PFOS, PFBS, and GenX as Resource Conservation and Recovery Act (RCRA) Hazardous Constituents	2050-AH26
3. Definition of Hazardous Waste Applicable to Corrective Action for Solid Waste Management Units	2050-AH27

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4. Updates to the RCRA Hazardous Waste Permitting Regulations and Other Technical Corrections	2050-AH30
5. 1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK73
6. Cyclic Aliphatic Bromide Cluster (HBCD); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK71
7. Trichloroethylene; Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK83
8. N-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK85
9. C.I. Pigment Violet 29; Regulation Under the Toxic Substances Control Act (TSCA)	2070-AK87
10. Tiered Data Reporting to Inform Prioritization, Risk Evaluation and Risk Management Under the Toxic Substances Control Act (TSCA)	2070-AK62
11. Procedures for Chemical Risk Evaluation Under the Toxic Substances Control Act (TSCA)	2070-AK90
12. Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (TRI)	2070-AL03
Pre-Rule Stage	
1. Used Drum Management and Reconditioning Advanced Notice of Proposed Rulemaking	2050-AH29

Reference/Link

The link below will allow you to view/print the Semiannual Regulatory Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>

E. Amendments to the Commercial Driver's License Requirements; Increased Flexibility for Testing and for Drivers After Passing the Skills Test; Notice of Proposed Rulemaking

Agency

Department of Transportation (DOT)

Dates

Published Date: 02/02/2024

Comments Due: 04/02/2024

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Summary

FMCSA proposes to increase flexibility for State Driver Licensing Agencies (SDLAs) and commercial driver's license (CDL) applicants by expanding applicants' ability to take a CDL skills test in a State other than their State of domicile; permitting a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a commercial motor vehicle (CMV) on public roads without having a qualified CDL holder in the passenger seat; eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following initial issuance of the CLP. The NPRM also proposes to remove the requirement that CMV drivers must have a passenger (P) endorsement to transport CMVs designed to carry passengers, including school buses, when the vehicle is being transported in a driveaway-towaway operation and the vehicle is not carrying any passengers. Additionally, FMCSA proposes to require that third-party knowledge examiners be subject to the training, certification, and record check standards currently applicable to State knowledge examiners and third-party knowledge testers be subject to the auditing and monitoring requirements now applicable to third-party skills testers. The NPRM also responds to petitions for rulemaking from the American Trucking Associations (ATA) and the New Hampshire Department of Transportation (NHDOT). FMCSA believes these proposals would improve the efficiency and convenience of CDL issuance and improve highway safety by further ensuring the integrity of third-party CDL knowledge testing.

The purpose of the NPRM is to enhance the flexibility and efficiency of the CDL program by removing certain regulatory restrictions to allow applicants to obtain a CDL and be productively employed as a CMV driver in less time than it currently takes, without compromising safety. The NPRM also proposes measures to ensure the consistency and integrity of the administration of CDL knowledge tests provided by third-party examiners and facilitate the safe transport of empty CMVs designed to transport passengers (passenger CMVs) more efficiently. FMCSA believes the proposed changes will further address CMV driver shortages, enhance supply chain stability, and provide appropriate regulatory relief without impacting safety. In the case of CDL knowledge testing administered by third parties, the proposal would improve safety by imposing applicable training and certification standards for third-party knowledge examiners currently required for State-employed knowledge test examiners, and by imposing monitoring standards for third-party knowledge testers currently applicable to third-party skills testers.

- CDL Skills Testing for Out-of-State Applicants

Section 383.79(a)(1) currently permits a State to administer the CDL skills test to an applicant domiciled in another State, provided the individual has obtained training in the State where the skills test will be administered. Such test results must be transmitted electronically directly from the testing State to the licensing State in a direct, efficient, and secure manner. The NPRM proposes to remove the requirement that an applicant must have obtained training in the testing State in order to take the CDL skills test in that State. With the implementation of FMCSA's entry-level driver training (ELDT) regulations in February 2022, all States can be assured that the out-of-state applicant has completed the required minimum training as set forth in 49 CFR part 380, subpart F. The NPRM, by proposing to allow States discretion to provide skills testing to out-of-State applicants, regardless of the State in which training was obtained, may allow applicants to obtain a CDL sooner by scheduling the skills test in a State with shorter waiting times. Because all States administering the CDL skills test must follow the test standards and requirements set forth in 49 CFR part 383, subparts G and H, the proposal would not adversely impact safety.

- CLP Holders Who Have Passed the CDL Skills Test

Currently, a CLP is considered a valid CDL to operate a CMV on public roads or highways only for the purpose of BTW training, subject to certain conditions. One of those conditions, set forth in § 383.25(a)(1), states that the CLP holder must at all times be accompanied by the holder of a valid CDL who has the proper CDL group and endorsement(s) necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger CMV, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision. When adopting this requirement in the May 2011 final rule, FMCSA noted that it would not be safe to permit an inexperienced driver who has not passed the skills test to operate a CMV unaccompanied.

The Agency proposes to amend § 383.25(a)(1) by adding an exception permitting a CLP holder who has passed the skills test to operate a CMV for purposes other than BTW training without having a CDL holder sitting in the front passenger seat or to operate an empty passenger CMV, including a school bus, or an empty tank vehicle, without a CDL holder seated directly behind, or in the first row behind, the CLP holder. The proposed exception would apply only if the CLP holder has already passed the skills test, possesses documentary evidence from the testing State of having passed the skills test, and the holder of a valid CDL is physically present in the CMV. The Agency believes the proposed revision would not negatively affect safety, because, by passing the skills test, the CLP holder has demonstrated their ability to safely operate the CMV.

While the Agency anticipates this flexibility would be used primarily by CLP holders who pass the skills test in a State other than their State of domicile, the exception also applies when a CLP holder passes the skills test in their State of domicile. For example, if a CLP holder passes the skills test administered by a third-party skills test examiner at a testing site located miles from the nearest SDLA, the CLP holder could operate a CMV under this exception. The Agency notes that CLP holders who pass the skills test in their State of domicile and receive a temporary CDL authorizing them to operate a CMV until they receive the CDL credential in the mail would not need to use the exception because they would no longer be CLP holders.

- CLP Holders Eligible To Take the CDL Skills Test

As set forth in § 383.25(e), CLP holders are not eligible to take the CDL skills test in the first 14 days following initial issuance of the CLP. FMCSA proposes to eliminate this restriction, which was intended to ensure CLP holders obtained BTW training prior to taking the skills test to improve their chances of passing the test on the first attempt. The restriction is no longer necessary, however, because CLP holders must now complete ELDT (theory training and BTW range and road training) before taking the skills test for a Class A or Class B CDL or the P or school bus (S) endorsement, in accordance with § 383.73(b)(11) and (e)(9).

- Third-Party Knowledge Testers and Examiners

In accordance with regulatory guidance adopted on February 3, 2022, States may authorize the use of third-party knowledge examiners as long as they adhere to the CDL knowledge test standards and requirements set forth in 49 CFR part 383, subparts G and H. When issuing that guidance, FMCSA noted its intention to propose regulatory requirements further clarifying the States' use of third-party knowledge examiners. This NPRM proposes those requirements, which are intended to ensure the integrity of third-party CDL knowledge testing.

First, States authorizing third-party knowledge examiners would be required to apply to those examiners the training, certification, and record check requirements currently applicable to State knowledge examiners, as set forth in § 384.228. Third-party skills examiners already certified under § 384.228 who also administer the knowledge tests would be excepted from duplicative training and record check requirements. In addition, States would be required to include third-party knowledge examiners within the scope of the auditing and monitoring provisions set forth in § 384.229, currently applicable only to third-party skills examiners. States authorizing third-party knowledge testers (i.e., entities that employ third-party knowledge examiners) and examiners would be subject to the auditing and monitoring requirements for third-party skills testers and examiners, set forth in § 383.75, as applicable. Finally, the NPRM proposes to add a requirement that third-party knowledge testers or examiners administer the knowledge test only by electronic means.

If adopted, the proposed amendments to the CDL requirements would allow drivers obtaining their initial CDL in a shorter amount of time and would allow CDL permit holders who have passed the CDL skills test to operate commercial vehicles without the supervision of a CDL driver present onboard the vehicle.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-02-02/pdf/2024-01710.pdf>

F. Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan

Agency

Department of Transportation (DOT)

Dates

Published Date: 02/09/2024

Summary

The Department of Transportation (DOT) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Federal Motor Carrier Safety Administration - Final Rule Stage	
1. Automatic Emergency Braking Systems	2126-AC49
2. Clarification to the Applicability of Emergency Exemptions	2126-AC53

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3. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits	2126-AC61
Federal Motor Carrier Safety Administration - Proposed Rule Stage	
1. Heavy Vehicle Speed Limiters	2126-AB63
2. Motor Carrier Operation of Automated Driving System (ADS)-Equipped Commercial Motor Vehicles	2126-AC17
3. Drug and Alcohol Clearinghouse Implementation Revisions	2126-AC43
4. Amendments to the Commercial Driver's License (CDL) Requirements; Increased Flexibility for Testing and for Drivers After Passing the Skills Test	2126-AC46
5. Electronic Logging Device (ELD) Revisions	2126-AC50
6. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits	2126-AC65
7. National Registry of Certified Medical Examiners; Administrative Removal of Medical Examiners	2126-AC70
Federal Motor Carrier Safety Administration - Pre-Rule Stage	
1. Safety Fitness Procedures	2126-AC52
2. Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators; Additional Curriculum and Training Provider Requirements	2126-AC71
Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage	
1. Hazardous Materials: Continued Conversion of Special Permits	2137-AF34
2. Hazardous Materials: Modernizing Regulatory Requirements and Responding to Stakeholder Petitions	2137-AF62
Pipeline and Hazardous Materials Safety Administration - Pre-Rule Stage	
1. Hazardous Materials: Modernizing Regulations to Improve Safety and Efficiency	2137-AF47

Reference/Link

The link below will allow you to view/print the Semiannual Regulatory Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>

G. Emergency Response Standard; Proposed Rule

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 02/05/2024

Comments Due: 05/06/2024

Summary

The Occupational Safety and Health Administration (OSHA) has published a notice of proposed rulemaking to issue a new safety and health standard, titled Emergency Response. This standard would replace the existing Fire Brigades Standard and would address a broader scope of emergency responders. This standard would include programmatic elements to protect emergency responders from a variety of occupational hazards.

An additional goal of the proposed standard is to bring the standard in line with the Federal Emergency Management Agency's (FEMA) National Response Framework and modernize the standard to align with the current industry consensus standards issued by the National Fire Protection Association (NFPA) on the safe conduct of emergency response activities. OSHA acknowledges that organizations that provide emergency services vary significantly in the size and type(s) of services(s) they provide. The proposed rule is a "performance-based" standard, which provides flexibility for affected employers to establish the specific criteria that best suits their organization. The proposed standard focuses on the desired result – Improving emergency responder health and safety while reducing injuries and fatalities.

Comments on this NPRM must be submitted by May 6, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-02-05/pdf/2023-28203.pdf>

H. Process Safety Management of Highly Hazardous Chemicals; Instructional Document

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 12/14/2023

Effective Date: 01/26/2024

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Summary

The Occupational Safety and Health Administration (OSHA) has published a directive (manual) which establishes OSHA's enforcement policy for its standard for Process Safety Management of Highly Hazardous Chemicals, 29 CFR § 1910.119 ("PSM standard"), and references to it in 29 CFR § 1926.64 and 29 CFR § 1910.109. The manual instructs OSHA enforcement personnel on the agency's interpretations of those standards. The instruction aims to further the uniform enforcement of the standards.

This instruction is not a new standard, but instead provides some clarifications and guidance on how the standard should be applied. This instructional replaces OSHA Instruction CPL 2-2.45A(REVISED), September 13, 1994, 29 CFR § 1910.119, Process Safety Management of Highly Hazardous Chemicals - Compliance Guidelines and Enforcement Procedures.

CPL 02-01-065 combines questions, applicable letters of interpretation, and OSHA compliance guidance that have been generated over the years since the standard was implemented in 1992. The document is structured in a question and response format by PSM element, with some elements including scenario(s) to create context for the question and responses.

The PSM standard applies to any facility, regardless of industry, that uses highly hazardous chemicals in their processes and meets the quantity thresholds specified in the standard. Section A of the PSM Questions and Responses section goes into detail regarding the applicability of the standard.

Reference/Link

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

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-01-065.pdf

I. **OSHA; Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions; Regulatory Plan**

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 02/09/2024

Summary

The Occupational Safety and Health Administration (OSHA) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

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Occupational Safety and Health Administration (OSHA) - Final Rule Stage	
1. Update to the Hazard Communication Standard	1218-AC93
2. Improve Tracking of Workplace Injuries and Illnesses	1218-AD40
Occupational Safety and Health Administration (OSHA) - Proposed Rule Stage	
1. Emergency Response	1218-AC91
2. Lock-Out/Tag-Out Update	1218-AD00
3. Walking Working Surfaces	1218-AD28
Occupational Safety and Health Administration (OSHA) - Pre-Rule Stage	
1. Process Safety Management and Prevention of Major Chemical Accidents	1218-AC82
2. Mechanical Power Presses Update	1218-AC98
3. Blood Lead Level for Medical Removal	1218-AD10
4. Heat Illness Prevention in Outdoor and Indoor Work Settings	1218-AD39

Reference/Link

The link below will allow you to view/print the Semiannual Regulatory Agenda.

<https://www.reginfo.gov/public/do/eAgendaMain>