

Veolia North America

Regulatory Update - June 2024



ENVIRONMENTAL UPDATES

- A. [EPA; n-Methylpyrrolidone \(NMP\); Regulation Under the Toxic Substances Control Act \(TSCA\); Proposed Rule](#)

TRANSPORTATION UPDATES

- B. [DOT; Hazardous Materials: Request for Feedback on De Minimis Quantities of Explosives; Notice](#)
- C. [DOT; Fees for the Unified Carrier Registration Plan and Agreement; Final Rule](#)

HEALTH & SAFETY UPDATES

- D. [OSHA; Emergency Response Standard; Extension of comment period](#)

MISCELLANEOUS UPDATES

No Miscellaneous Updates for June 2024

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A. n-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA); Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 06/14/2024

Comments Due: 07/29/2024

Summary

The Environmental Protection Agency (EPA) has published a proposed rule to address the unreasonable risk of injury to human health presented by n-methylpyrrolidone (NMP). The EPA conducted a risk evaluation and risk determination for NMP pursuant to the Toxic Substances Control Act (TSCA). NMP is used as a solvent in a variety of industrial, commercial, and consumer applications including the manufacture and production of electronics such as semiconductors, polymers, petrochemical products, paints and coatings, and paint and coating removers. Adverse effects associated with exposure to NMP include liver toxicity, kidney toxicity, immunotoxicity, neurotoxicity, skin irritation, and sensitization.

In order to address the identified unreasonable risk, EPA is proposing to:

1. Prohibit the manufacture (including import), processing, distribution in commerce, and use of NMP for five occupational conditions of use, as described in Unit IV.A.1.;
 - a. The conditions of use in Unit IV.A.1. are as follows:
 - Processing incorporation into articles in lubricants and lubricant additives in machinery manufacturing;
 - Industrial and commercial use in antifreeze and de-icing products, automotive care products, and lubricants and greases;
 - Industrial and commercial use in metal products not covered elsewhere and lubricant and lubricant additives including hydrophilic coatings;
 - Industrial and commercial use in cleaning and degreasing and cleaning and furniture care products, including wood cleaners and gasket removers; and
 - Industrial and commercial uses in fertilizer and other agricultural chemical manufacturing-processing aids and solvents
2. Require container size limits and labeling requirements for the manufacture (including import), processing, and distribution in commerce of NMP for seven consumer uses, as described in Unit IV.A.2.;

- a. The consumer uses in Unit IV.A.2 are as follows:
 - In paint and coating removers;
 - In adhesive removers;
 - In paints and coatings in lacquer, stains, varnishes, primers and floor finishes;
 - In paint additives and coating additives in paints and arts and crafts paints;
 - In automotive care products;
 - In cleaning and furniture care products, including wood cleaners, gasket removers; and
 - In lubricant and lubricant additives, including hydrophilic coatings.
3. Require prescriptive controls, including concentration limits and personal protective equipment (PPE) for seven occupational conditions of use, as described in Unit IV.A.4.;
 - a. The conditions of use in Unit IV.A.4. are as follows:
 - A concentration of NMP no greater than 45% in formulated products, with requirements for appropriate dermal PPE, and any NIOSH Approved[®] air purifying respirator equipped with organic vapor cartridges or canisters (minimum APF 10) for:
 - Processing—incorporation into articles in paint additives and coating additives in transportation equipment manufacturing;
 - Industrial and commercial use in paints and coatings in lacquers, stains, varnishes, primers and floor finishes, and powder coatings in surface preparation;
 - Industrial and commercial use in paint additives and coating additives in construction, fabricated metal product manufacturing, machinery manufacturing, other manufacturing, paint and coating manufacturing, primary metal manufacturing, transportation equipment manufacturing, wholesale and retail trade; and
 - Industrial and commercial use in adhesives and sealants including binding agents, single component glues and adhesives, including lubricant adhesives and two component glues and adhesives including some resins.
 - A concentration of NMP no greater than 30% in formulated products, with requirements for appropriate dermal PPE, and any NIOSH Approved[®] air purifying respirator equipped with organic vapor cartridges or canisters; any NIOSH Approved[®] powered air purifying respirator equipped with NIOSH Approved[®] organic vapor cartridges; or any NIOSH Approved[®] continuous flow supplied air respirator equipped with a hood or helmet (minimum APF 25) for the industrial and commercial use in paints, coatings, and adhesive removers.
 - A concentration of NMP no greater than 5% with requirements for appropriate dermal PPE for the industrial and commercial use in ink, toner, and colorant products in printer ink.
 - A concentration of NMP no greater than 1% with requirements for appropriate dermal PPE for the industrial and commercial use in soldering materials.

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4. Require strict workplace controls, including an NMP workplace chemical protection plan (WCPP), that would include requirements to prevent direct dermal contact with NMP, for all other occupational conditions of use, as described in Unit IV.A.3, including the commercial use of paints and coatings and paint, coating, and adhesive removers containing high concentrations of NMP in uses essential to the missions of the Department of Defense (DOD) and National Aeronautics and Space Administration (NASA);
 - a. The conditions of use in Unit IV.A.3. are as follows:
 - Manufacturing (domestic manufacturing);
 - Manufacturing (import);
 - All processing, excluding conditions of use for which prohibition or prescriptive controls are proposed (which are listed in Unit IV.A.1 and IV.A.4, respectively).
5. Require a concentration limit on NMP for the import, processing, and distribution in commerce of one consumer use, as described in Unit IV.A.5.;
 - a. EPA is proposing to require that import, processing, and distribution in commerce (including by retailers) of NMP and formulated NMP containing products intended for consumer use in adhesives and sealants in glues and adhesives, including lubricant adhesives and sealants be limited to a concentration of NMP no greater than 45%.
6. Establish recordkeeping and downstream notification requirements, as described in Unit IV.A.7. The recordkeeping requirements include manufacturers, processors, distributors, and commercial users maintain ordinary business records, such as invoices and bills-of lading, that demonstrate compliance with the prohibitions, restrictions, and other provisions of this proposed regulation and maintain such records for a period of 5 years from the date the record is generated. The downstream notification requirements that the EPA is proposing include that manufacturers (including importers), processors, and distributors, excluding retailers, of NMP and NMP containing products provide downstream notification of the prohibitions through the SDS required by OSHA under 29 CFR 1910.1200(g) by adding specific language to sections 1(c) and 15 of the SDS. The language can be seen in Unit IV.A.7.

Comments on this proposed rule are due on or before July 29, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-06-14/pdf/2024-12643.pdf>

B. Hazardous Materials: Request for Feedback on De Minimis Quantities of Explosives; Notice

Agency

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

Dates

Published Date: 06/28/2024

Comments Due: 09/26/2024

Summary

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has published a notice to request information from hazardous materials (HAZMAT) shippers regarding what small quantities or low concentrations of explosives they offer for transport appear to present a low risk to life, property, and the environment. The information will be used to define the focus of a research project investigating the risk of small and/or de minimis quantities of explosive substances and in selecting test samples for PHMSA research and development Contract# 693JK322C00003.

Currently there is no small quantity exemption for Class I explosives. Establishing a small quantity and/or de minimis exception for explosives presenting a low hazard in transport would reduce the time, effort, and financial investments required by all affected parties in order to authorize its transport, while maintaining the safety of the transportation system.

Interested parties are invited to submit comments on or before September 26, 2024. Comments received after that date will be considered to the extent possible.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-06-28/pdf/2024-14175.pdf>

C. Fees for the Unified Carrier Registration Plan and Agreement; Final Rule

Agency

Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 06/17/2024

Effective Date: 07/17/2024

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Summary

FMCSA amends the regulations governing the annual registration fees that participating States collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the 2025 registration year and subsequent registration years. Following a reduction in fees of an average of 37.3 percent over the two prior years, the fees for the 2025 registration year will be increased above the fees for the 2024 registration year by an average of 25 percent overall, with varying increases between \$9 and \$9,000 per entity, depending on the applicable fee bracket. The final rule is based upon a recommendation from the UCR Plan.

Purpose and Summary of the Regulatory Action

Under 49 U.S.C. 14504a, the UCR Plan and the 41 States participating in the UCR Agreement collect fees from motor carriers, private carriers of property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member board of directors (UCR Plan Board), which is composed of 14 members appointed from the participating States and the industry, and the Deputy Administrator of FMCSA, who is a statutory member. Revenues collected are allocated to the participating States and the UCR Plan.

In accordance with 49 U.S.C. 14504a(d)(7)(A)(ii) and (f)(1)(E)(i), the UCR Plan provides fee adjustment recommendations to the Secretary of Transportation (Secretary) when revenue collections result in a shortfall or surplus from the amount authorized by statute. If the required payments to the States and the cost of administering the UCR Plan exceed the amount in the depository, the UCR Plan must collect additional fees in subsequent years to cover the shortfall (49 U.S.C. 14504a(f)(1)(E)(i)). If there are excess funds after payments to the States and for administrative costs, they are retained in the UCR Plan's depository, and fees in subsequent fee years must be reduced as required by 49 U.S.C. 14504a(h)(4). These two distinct statutory provisions are recognized in the fee adjustment recommended by the UCR Plan and adopted in this final rule to increase, by an average of 25 percent, the annual registration fees established pursuant to the UCR Agreement for the 2025 registration year and subsequent years.

Final Rule

FMCSA considered and addressed comments received the notice of proposed rulemaking and has taken all within-scope comments into consideration. For the UCR Plan to secure both the funds for required distribution of statutory entitlements to all participating States and the funds for administration of the UCR Agreement, the UCR Plan must generate sufficient revenue, which can only be accomplished by a fee increase, as permitted, and required, by the UCR statute. The upward adjustment in fees for the 2025 registration year will provide an additional \$13 million to meet the overall statutory revenue requirement of \$112 million. The UCR statute provides for the UCR Plan to request an adjustment in the fees, within a reasonable range, by the Secretary when the fees will be insufficient to provide the annual revenue entitlements to which the participating States are entitled (49 U.S.C. 14504a(f)(1)(E)(i)).

FMCSA also notes that in a final rule published in 2023, the Agency had anticipated adjusting the fees for the 2025 registration year, after receiving the necessary recommendation from the UCR Plan, as the previous excess collections would be largely utilized. In addition, this is the first upward adjustment since 2010, following two years of fee decreases, which, combined, resulted in an average 37.3 percent fee reduction, and no adjustments from 2010 to 2017. The fee levels for the 2025 registration year are still less than the fees that were in effect from 2019 to 2022. For those reasons, FMCSA finalizes the proposed increase without modification.

Section-by-Section Analysis

FMCSA revises 49 CFR 367.40 (which was adopted in the 2023 final rule) so that the fees apply to registration year 2024 only. A new § 367.50 establishes new increased fees applicable beginning in registration year 2025, based on the recommendation submitted by the UCR Plan in its September 2023 Fee Recommendation. The fees in new § 367.50 will remain in effect for subsequent registration years after 2025 unless revised by a future rulemaking.

FMCSA also removes 49 CFR 367.20, which set the fees for 2020, 2021, and 2022, as those fee amounts will not be necessary.

§ 367.40 Fees under the Unified Carrier Registration Plan and Agreement for Registration Year 2024.

Table 1 to § 367.40—Fees Under the Unified Carrier Registration Plan and Agreement for Registration Year 2024

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$37	\$37
B2	3-5	\$111	
B3	6-20	\$221	
B4	21-100	\$769	
B5	101-1,000	\$3,670	
B6	1,001 and above	\$35,836	

Veolia-registered motor carrier entities will submit the payment to the UCR for the 2025 registration and subsequent years in accordance with the fees listed in Table 1 to § 367.40.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-06-17/pdf/2024-13192.pdf>

D. Emergency Response Standard; Extension of comment period.

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 06/11/2024

Comments Extended to: 07/22/2024

Summary

Occupational Safety and Health Administration (OSHA) is extending the period for submitting comments by 30 days to allow stakeholders interested in the NPRM on Emergency Response additional time to review the NPRM and collect information and data necessary for comment.

The comments are extended to July 22, 2024.

Reference/Link

The link below will allow you to view/print the Extension of Comment Period.

<https://www.govinfo.gov/content/pkg/FR-2024-06-11/pdf/2024-12731.pdf>