

Veolia North America - Industrial Business

March, 2024

ENVIRONMENTAL UPDATES

- A. [EPA; Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention](#)
- B. [EPA; Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives; Proposed Rule](#)
- C. [EPA; Toxic Chemical Releases have Declined 21% in 10 years According to New Toxics Release Inventory data; News Release](#)
- D. [EPA; Certain Existing Chemicals; Request To Submit Unpublished Health and Safety Data Under the Toxic Substances Control Act \(TSCA\); Proposed Rule](#)
- E. [EPA; The Hazardous Waste Electronic Manifest System Advisory Board: Request for Nominations; Notice](#)

TRANSPORTATION UPDATES

- F. [DOT; Hazardous Materials: Frequently Asked Questions—Training Requirements; Notice](#)

HEALTH & SAFETY UPDATES

- G. [OSHA; Emergency Response Standard; Extension of Comment Period; Final Order](#)

MISCELLANEOUS UPDATES

- H. [DEA; Schedules of Controlled Substances: Placement of 2-Methyl AP-237 in Schedule I](#)

A. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 03/11/2024

Effective Date: 05/10/2024

Summary

The Environmental Protection Agency (EPA) has published a Final Rule which revises the Risk Management Program (RMP) regulations. These revisions are being finalized to improve safety at facilities that use and distribute hazardous chemicals. The final rule takes a rule-based, prevention-focused approach in this action rather than the compliance-driven, post-incident approach in the 2019 reconsideration rule.

The revisions include the following:

- changes and amplifications to the accident prevention program requirements,
- enhancements to the emergency preparedness requirements,
- improvements to the public availability of chemical hazard information,
- and several other changes to certain regulatory definitions or points of clarification.

These amendments seek to improve chemical process safety; assist in planning, preparedness, and response to Risk Management Program-reportable accidents; and improve public awareness of chemical hazards at regulated sources.

Under the final rule, facilities that are in communities most at risk of having an accidental release from a facility, will be required to do more to prevent chemical accidents, including conducting a Safer Technology and Alternatives Analysis (STAA), more thorough incident investigations, and third-party audits. The final rule also includes new prevention provisions that empower workers to make safety decisions and report noncompliance.

In order to improve accident prevention programs the rule finalizes Hazard Evaluation Amplifications. This includes the following changes -

- Hazard evaluations under 40 CFR 68.50(a)(5) and 68.67(c)(8) explicitly address external events such as natural hazards.
- Monitoring equipment associated with prevention and detection of accidental releases from covered processes must have standby or backup power to provide continuous operation in case of a power loss.
- Hazard evaluations under 40 CFR 68.50(a)(6) and 68.67(c)(5) explicitly defines stationary source siting as inclusive of the placement of processes, equipment, buildings within the facility, and hazards posed by proximate facilities, and accidental release consequences posed by proximity to the public and public receptors.
- Requirement to conduct a formal root cause analysis incident investigation when facilities have had an RMP-reportable accident. (68.42, 68.60, & 68.81) The root cause analysis must be completed within 12 months of the incident.

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.

- Requirement for the next scheduled compliance audit be a third-party audit when facilities have had an RMP-reportable accident, (68.59 & 68.80) (P2 & P3) or if an implementing agency requires a third-party audit due to conditions at the stationary source.
- Requirement for employee participation in resolving process hazard analyses, compliance audit and incident investigation recommendations and findings. This includes outlining stop work procedures in Program 3 employee participation plans, requiring Program 2 and Program 3 employee participation plans to include opportunities for employees to anonymously report RMP-reportable accidents or other related RMP non-compliance issues, requiring training on employee participation plans and annual written notice to employees to inform them of how to access the information.
- Risk management plans under 40 CFR 68.170(e)(7) and 68.175(e)(8) must include a justification when hazard evaluation recommendations are not adopted.

The final rule adopts three measures related to Safer Technology and Alternatives Analysis (STAA). A justification must be made in the Risk Management Plan when STAA recommendations are not adopted.

- Requirement to conduct a STAA applicable to program 3 processes in two sectors, petroleum refining (NAICS 324) and chemical manufacturing (NAICS 325);
- Requirement to conduct a practicability assessment for IST/ISD for a subset of facilities with processes in these sectors (co-located sources within 1 mile, refinery HF alkylation processes, and those that have had a reportable accident within the 5 preceding years);
- Requirement for the same subset of facilities to implement at least one practicable passive measure or similarly protective active or procedural measure(s) after each STAA.

The Risk Management Plan includes the following Enhancements to the Emergency Preparedness Requirements:

- Community notification of RMP accidents*:(68.95) (P2 & P3 Responding stationary sources)
 - Requirement for non-responding RMP facilities to develop procedures for informing the public about accidental releases.
 - Requirement that release notification data be provided to local responders.
 - Requirement to partner with local responders to ensure a community notification system is in place for notification of RMP-reportable accidents.

Note: Non-responding stationary sources must comply with requirements in (this is not new to this final rule):

- 68.90(b) - If toxic substances, ensure the source is included in the Local Emergency Planning Committee (LEPC) plan. If only flammable substances, ensure source has coordinated with the local fire department
- 68.93 Emergency response coordination activities
- 69.96(a) ER Notification Exercises (prior to 12/19/2024)
- Emergency response exercises: (68.96)
 - Requirement for a 10-year frequency for field exercises unless local responders indicate that frequency is infeasible.

- Requirement for mandatory scope and reporting requirements(within 90 days) for emergency response exercises. Report shall include:
 - Description of exercise scenario
 - Names and organizations of each participant
 - Evaluation of the exercise results
 - Recommendations for improvement
 - Schedule to promptly address and resolve recommendations

The Risk Management Plan includes the following Enhancements to Information Availability:

- Enhanced Information Availability: New requirements for the facility to provide chemical hazard information upon request to the public living, working or spending significant time within six miles of the facility, in at least two most common languages in the community. Under the previous regulation, facilities were not required to provide this information.
- Available information to include:
 - Names of regulated substances located at the site
 - SDSs
 - 5 year accident history
 - Emergency response program summary
 - List of scheduled exercises
 - LEPC contact information
 - Declined recommendations & justifications
- Provide ongoing notification on a company website, social media platform, or through other publicly accessible means
- Provide information within 45 days of receiving a request
- Owner or operator shall maintain a record of the members of the public requesting chemical hazard information for 5 years.

The EPA is requiring regulated sources to comply with the following compliance timelines:

- New STAA, incident investigation root cause analysis, third-party compliance audit, employee participation, emergency response public notification, exercise evaluation reports, and information availability provisions must be completed three years after the effective date of the final rule. (5/10/2027)
- Revised emergency response field exercise frequency provision by March 15, 2027, or within 10 years of the date of an emergency response field exercise conducted between March 15, 2017, and August 31, 2022. (68.96(b)(1)(ii))
- Updates and resubmission of risk management plans with new and revised data elements, four years after the effective date of the final rule. (5/10/2028)
- Compliance date to require standby or backup power for air monitoring and control equipment by three years after the effective date of the final rule. (5/10/2027)

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-11/pdf/2024-04458.pdf>

B. Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives; Proposed Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 03/20/2024

Comments Due: 05/20/2024

Summary

The Environmental Protection Agency (EPA) published a proposed rule that would revise the regulations that allow for the open burning and detonation (OB/OD) of waste explosives. Recent findings from the National Academy of Sciences, Engineering, and Medicine (NASEM) and the EPA have identified safe alternatives to OB/OD that may be applicable to treat some energetic/explosive waste streams. If the proposed rule becomes finalized the regulations would be revised to describe specific procedures to evaluate and implement alternative treatment technologies. The new regulations also establish technical standards for the permitting of OB/OD units. Additionally, the proposed rule creates a framework for permitting mobile treatment units (MTUs). The new revisions would reduce OB/OD of waste explosives and increase control of air emissions.

From 40 CFR 260.10 Open Burning is defined as the combustion of any material without the following characteristics:

1. Control of combustion air to maintain adequate temperature for efficient combustion,
2. Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
3. Control of emission of the gaseous combustion products.

The proposed rule includes adding a definition for the terms “detonation,” “open detonation,” and “open burning/open detonation unit” to 40 CFR 260.10.

The proposed rule discusses alternative treatment technologies that were published in a 2019 Report from NASEM. The alternative treatments have to be researched for each specific waste stream. The alternative treatment technologies include the following benefits:

- preventing or greatly reducing the release of hazardous contaminants to the environment,
- reducing the chances of exposures,
- improving the ability to clean close,
- and avoiding the need for post-closure care.

In identifying potential alternative technologies it may be helpful to review lists of technologies approved from a safety standpoint by the Department of Defense (DoD) Explosives Safety Board (DDESB).

For instances where OB/OD remains the only treatment method for waste explosives, the Agency is proposing minimum technical standards for OB/OD units. The EPA is proposing to

designate a new subpart Y for the new technical standards for OB/OD units. This would provide the standards that would be the basis of the “Subpart Y permit.” EPA’s approach in the proposed regulations is to not prescribe specific quantitative limits, thresholds, or values, but rather to propose §§ 264.708 and 264.710 operating and monitoring requirements that must be considered in the subpart Y permit.

The EPA is proposing that optimal parameters for OB/OD operation of the unit be specified to minimize the amount of residue and particulate matter that could cross the facility’s boundary through movement of a plume, or another release. These optimal parameters will include restrictions on timing of OB/OD based on wind speed, wind direction, weather conditions and air pollution status. Owners/operators of OB/OD units will be required to monitor and record atmospheric conditions. The OB/OD operation will also be limited by the quantity of OB/OD events and will need to comply with noise and ground vibration limits. Further, requirements for containment, secondary containment, safe distance plans, security plans, stormwater plans and public outreach will be in place for OB/OD facilities.

The proposed rule requires facilities to demonstrate that there are no other safe modes of treatment available for the specific waste streams before proceeding with OB/OD. The EPA is proposing an exemption for generators that generate up to 15,000 lbs net explosive weight (NEW) or less of waste explosives from the requirement to conduct a comprehensive alternative technology evaluation provided they make a de minimis demonstration.

Under the proposed terms of the de minimis exemption, the owners/ operators would have to make the following three demonstrations:

1. A demonstration that the proposed de minimis treatment by OB/ OD would contribute negligible contamination and potential for exposure;
2. a demonstration that treatment by an MTU, treatment off-site by an alternative technology, and treatment by an existing on-site alternative technology, if applicable, are not safe and available; and
3. a demonstration that the facility does not have any unresolved compliance or enforcement actions and does not have a history of significant noncompliance.

The Agency is also proposing a framework for permitting mobile treatment units (MTUs, proposed definition in § 264.10), which could be used as an alternative to OB/OD. MTUs would be considered themselves facilities and be issued a permit by the Agency (EPA) in a unique two-stage process that enables the MTU owner/operator to treat waste explosives on-site where they are generated. MTUs could have multiple potential benefits beyond decreasing reliance on OB/OD. For example, MTUs would be beneficial for Treatment, Storage, Disposal Facilities (TSDFs) that do not routinely or only treat small quantities of self-generated wastes. Additionally, MTUs would offer a compliance option beyond shipping the waste off-site and building an alternative technology unit, which could be beneficial for waste streams that are unsafe to transport on public highways, such as DOT forbidden explosives. MTUs would also be beneficial in cleanup or episodic activities. Currently, the RCRA regulations require that owners/operators of MTUs obtain a RCRA permit for treatment from the permitting authority at each site where it will operate, this also requires new permits to be issued each time the unit is moved across state lines.

The EPA is proposing a new approach which limits MTUs to the treatment of waste explosives, rather than all hazardous wastes as was proposed in the 1987 proposal which was never finalized. The current proposed two-stage permitting process is more standardized and includes requirements related to public participation, recordkeeping and reporting,

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.

contingency planning, closure, operation and design standards, and permit terms. In the first permitting stage, the EPA would issue a nationwide conditional approval to the MTU owner/operator. The second stage of the permitting process would be an expedited process that would authorize treatment at individual job sites. The location specific “second stage” permit would provide public notice as required by section 7004(b) and would establish any other requirements specific to that location prior to a permit issuance. When MTUs are brought to a location to respond to an emergency, the RCRA emergency permit provisions at § 270.61 and emergency exemption provisions at §§ 264.1(g)(8)(i)(D), 265.1(c)(11), and 270.1(c)(3)(D) would supersede the two stage permitting process proposed in this rule to ensure emergency situations are addressed in a timely manner without imposing regulatory burdens that would delay the response and further endanger the public, environment, and responding personnel.

Comments for this proposed rule are due on or before May 20, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-20/pdf/2024-05088.pdf>

C. **Toxic Chemical Releases have Declined 21% in 10 years According to New Toxics Release Inventory data; News Release**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 03/21/2024

Summary

The Environmental Protection Agency (EPA) has released its 2022 Toxics Release Inventory (TRI) National Analysis showing that environmental releases of TRI chemicals from facilities covered by the program were 21% lower in 2022 compared to 2013. The EPA highlights a 26% decrease in air releases. In the 10-year period, releases from manufacturing facilities decreased by 9% while the value added to the U.S. economy from manufacturing increased by 14%. Overall releases increased by 1% from 2021 to 2022, however there was a 6.5% increase in the number of pollution prevention activities reported under the TRI program compared to 2021.

For reporting year 2022, four PFAS met the criteria and were added to the reporting requirements for a total of 180 PFAS tracked by the TRI program.

EPA held a public webinar on Thursday, April 4, 2024, at 2 p.m. ET to provide an overview of the 2022 TRI National Analysis.

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.

[View the 2022 TRI National Analysis, including local data by clicking this link.](#)

Reference/Link

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

<https://www.epa.gov/newsreleases/toxic-chemical-releases-have-declined-21-10-years-according-new-toxics-release>

D. **Certain Existing Chemicals; Request To Submit Unpublished Health and Safety Data Under the Toxic Substances Control Act (TSCA); Proposed Rule**

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 03/26/2024

Comments Due: 05/28/2024

Summary

The Environmental Protection Agency (EPA) has published a proposed rule that, if finalized, would require manufacturers (including importers) of 16 chemical substances to submit copies and lists of certain unpublished health and safety studies to EPA. The health and safety studies sought by this action will help inform EPA's responsibilities pursuant to TSCA, including prioritization, risk evaluation, and risk management.

The chemical substances that are impacted by this proposed rule are listed below:

1. 4,4-Methylene bis(2-chloraniline) (CASRN 101-14-4)
2. 4-tert-octylphenol(4-(1,1,3,3-Tetramethylbutyl)-phenol) (CASRN140- 66-9)
3. Acetaldehyde (CASRN75-07-0)
4. Acrylonitrile (CASRN 107-13-1)
5. Benzenamine (CASRN 62-53-3)
6. Benzene (CASRN 71-43-2)
7. Bisphenol A (CASRN 80-05-7)
8. Ethylbenzene (CASRN 100-41-4)
9. Naphthalene (CASRN 91-20-3)
10. Vinyl Chloride (CASRN 75-01-4)
11. Styrene (CASRN 100-42-5)
12. Tribromomethane (Bromoform) (CASRN 75-25-2)
13. Triglycidyl isocyanurate; (CASRN 2451-62-9)
14. Hydrogen fluoride (CARN 7664- 39-3)
15. N-(1,3-Dimethylbutyl)-N'-phenyl-pphenylenediamine (6PPD) (CASRN 793- 24-8)
16. 2-anilino-5-[(4-methylpentan-2-yl) amino]cyclohexa-2,5-diene-1,4-dione (6PPD-quinone) (CASRN 2754428-18- 5)

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.

The proposed reporting requirements will require manufacturers that have proposed to manufacture or have manufactured any of the listed chemical substances in the 10 years preceding the date a chemical substance is listed to submit the health and safety study during the 60-day reporting period specified in 40 CFR 716.65 and according to the reporting schedule set forth at 40 CFR 716.60. Manufacturers that propose to manufacture or are manufacturing the listed chemical substance will be required to submit the following during the 60-day reporting period:

- A copy of each specified type of health and safety study which is in their possession at the time the chemical substance is listed;
- A list of the specified types of health and safety studies known to them but not in their possession at the time the chemical substance is listed;
- A list of the specified types of health and safety studies that are ongoing at the time the chemical substance is listed and are being conducted by or for them;
- A list of the specified types of health and safety studies that are initiated after the date the chemical substance is listed and will be conducted by or for them; and
- A copy of each specified type of health and safety study that was previously listed as ongoing or subsequently initiated (i.e., listed in accordance with reporting requirements in Unit II.D., respectively) and is now complete regardless of completion date.

All submitters would be required to report TSCA section 8(d) data electronically, using the CSPP: Submissions for Chemical Safety and Pesticide Programs software (CSPP Software) accessible via EPA's Central Data Exchange (CDX) system

Comments on this proposed rule are due by May 28, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-26/pdf/2024-06303.pdf>

E. The Hazardous Waste Electronic Manifest System Advisory Board: Request for Nominations; Notice

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 03/11/2024

Nominations Due: 04/10/2024

Summary

The Environmental Protection Agency (EPA) has published a notice in the federal register that invites the public to nominate experts to be considered for a three-year appointment to the Hazardous Waste Electronic Manifest System Advisory Board (the "Board"). The EPA is

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.

seeking a nomination to fill a vacancy on the Board to serve as an information technology (IT) expert for a three-year appointment.

EPA has established the Board to provide practical and independent advice, consultation, and recommendations to the EPA Administrator on the activities, functions, policies, and regulations associated with the Hazardous Waste Electronic Manifest (e-Manifest) System.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-11/pdf/2024-05073.pdf>

F. Hazardous Materials: Frequently Asked Questions—Training Requirements; Notice

Agency

Department of Transportation (DOT)

Dates

Published Date: 03/13/2024

Comments Due: 04/12/2024

Summary

On March 22, 2022, PHMSA announced an initiative to convert historical letters of interpretation (LOI) applicable to the Hazardous Materials Regulations (HMR) that have been issued to specific stakeholders into broadly applicable frequently asked questions (FAQ). On December 9, 2022, PHMSA published the first set of FAQ regarding applicability of the HMR. On August 18, 2023, PHMSA published the second set of FAQ regarding incident reporting. The notice that was published on March 13, 2024 contains the third set of FAQ regarding training requirements.

This initiative provides additional value to PHMSA's Online Code of Federal Regulations (oCFR) tool. The oCFR tool is an interactive web-based application that allows users to navigate with a single click between all content, including LOI, connected to an HMR citation. The oCFR tool includes the ability to sort, filter, and export search results. Upon completion of this initiative, PHMSA's Office of Hazardous Materials Safety (OHMS) will be able to achieve efficiencies for other more complex or novel requests for LOI and devote resources to other hazardous materials transportation safety projects. This initiative will also allow resources to be made available for other improvement-related operations, such as petitions for rulemakings, public outreach and engagement, and economically beneficial regulatory and policy improvements.

The following is a summary of the answers from the FAQ section of the notice, for full details on the FAQ please refer to the notice linked below.:

1. Hazmat employers must train and test, certify training, and develop and retain records of current training for all hazmat employees, defined under 49 CFR 171.8.

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.

2. A Complete Hazmat training program must include general awareness/familiarization training, function-specific training, safety training, security awareness training, and in-depth security training if a security plan is required. Training must be specific for the individual modes of transportation the employee operates.
3. A hazmat employee is defined in § 171.8 as any person who— in the course of employment—directly affects hazmat transportation safety and includes, but is not limited to, loading, unloading, or handling hazmat; inspecting hazmat packaging; preparing hazmat shipments; operating vehicles used to transport hazmat; and anyone responsible for hazmat transportation safety.
4. A hazmat employer is defined in § 171.8 as a person who uses one or more of its hazmat employees to transport hazmat in commerce; to cause hazmat to be transported in commerce; or designs, manufactures, fabricates, inspects, marks, maintains, reconditions, tests, or repairs containers, drums, or packagings as qualified for use in the transportation of hazardous materials.
5. Hazmat employees may self-train, provided the general awareness/familiarization training, function-specific training, safety training, security awareness training, in depth security training, testing, recordkeeping, and certification requirements specified in § 172.704 are met.
6. PHMSA's Outreach and Training Branch offers training publications, videos, and brochures, which can be found at:
<https://www.phmsa.dot.gov/training/hazmat/hazardous-materials-outreach-engagement>
7. PHMSA does not specify or require minimum qualifications for hazmat trainers. A trainer needs to be able to convey the training requirements under § 172.704.
8. Hazmat employers must keep training records for each hazmat employee in accordance with § 172.704(d). The training records must include the following information: the hazmat employee's name, date of the most recently completed training, information about the training materials, name and address of the trainer; and a certification that the hazmat employee has been trained and tested in accordance with the HMR.
9. No specific testing document is required. The requirements in § 172.702(d) do not state that a hazmat employee must "pass" a test, a hazmat employee must be trained in accordance with the applicable HMR and may only be certified in those areas in which the hazmat employee can successfully perform their assigned duties. Employees may be tested on the training requirements specified in § 172.704 by any appropriate means.
10. An employee may not take and pass an exam, and then have the hazmat training or the recurrent training requirement waived.
11. In accordance with § 172.704(c)(2), a hazmat employee must receive the required training at least once every three years.
12. A hazmat employer must ensure that each hazmat employee is thoroughly instructed in the requirements that apply to functions performed by that employee. Section 172.704(c)(1) requires that a new hazmat employee or a hazmat employee who changes job functions must complete their hazmat training within 90 days after employment or job function change.
13. Function-specific training is specific to the function(s) for which the hazmat employee is responsible. The hazmat employer must determine what tasks the hazmat employee is responsible for that are directly regulated under the HMR, and then provide the necessary training in accordance with Subpart H to Part 172.
14. A hazmat employer may use any type of training method, including forms of digital training (e.g., online, computer-based, and virtual training programs), that ensures

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.

each hazmat employee receives general awareness/familiarization training, function-specific training, safety training, security awareness training, and in-depth security training.

15. Training conducted to comply with the hazard communication programs required by OSHA, EPA, or training programs required by other federal or international agencies may be used to satisfy portions of the training requirements set forth in Subpart H to Part 172.
16. A hazmat employer must ensure that each of its hazmat employees is trained in accordance with the requirements prescribed under Subpart H to Part 172. (See § 172.702.) A person who knowingly violates a requirement of the HMR or the Federal Hazmat Transportation Law, 49 U.S.C. 5101 et seq., may be liable for a civil penalty of not more than \$99,756.60 For a violation that results in death, serious illness, severe injury, or substantial property destruction, the maximum penalty is increased to \$232,762.6 For violations related to training, there is a minimum penalty of \$601. (See § 107.329.) Maximum and minimum penalty limitations are updated annually to adjust for inflation.
17. Under § 171.8, a subcontractor's hazmat employee is a hazmat employee. In accordance with § 172.702(a), the subcontractor, as the hazmat employer for its hazmat employees, is responsible for ensuring that each of its hazmat employees are trained in accordance with Subpart H to Part 172. However, § 172.702(c) provides flexibility on who can provide the training. The training may be provided by the hazmat employer or by some other public or private source.
18. § 171.22 prescribes additional requirements for the use of international standards for shipments offered for transportation or transported in the United States and includes shipments originating in a foreign location and transported to the United States. Under § 171.22(g)(2), the training requirements in Subpart H to Part 172, including function specific training, must be satisfied. Training conducted, in accordance with § 171.22, to comply with the international standards may be used to satisfy the training requirements set forth in § 172.704, to the extent that such training addresses the training components specified in § 172.704(a). It is not necessary to duplicate training. However, the hazmat employer must provide additional training to employees performing covered functions for any training components required by the HMR that were not previously addressed.
19. In accordance with § 177.800(c), each driver who is a hazmat employee is subject to the training requirements in Subpart H to Part 172, and the driver training requirements in § 177.816, regardless of whether a hazmat endorsement is required. However, the training required to obtain a hazmat endorsement may be used to satisfy some of the training requirements of the HMR to the extent that such training addresses the training components of § 172.704. (See § 177.816(c).)

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-13/pdf/2024-05268.pdf>

G. Emergency Response Standard; Extension of Comment Period

Agency

Occupational Safety and Health Administration (OSHA)

Dates

Published Date: 03/28/2024

Comments Extended to: 06/21/2024

Summary

OSHA is extending the period for submitting comments by 45 days to allow stakeholders interested in the Proposed Rule on Emergency Response additional time to review the NPRM and collect information and data necessary for comment. The comment period is extended to June 21, 2024.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-28/pdf/2024-06610.pdf>

H. Schedules of Controlled Substances: Placement of 2-Methyl AP-237 in Schedule I; Final Order

Agency

Drug Enforcement Administration (DEA)

Dates

Published Date: 03/15/2024

Comments Due: 04/15/2024

Summary

The Drug Enforcement Administration (DEA) is permanently placing 1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one (commonly known as 2-methyl AP-237), including its optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers in schedule I of the Controlled Substances Act.

This action imposes the 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 propose to handle 2-methyl AP-237.

Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-03-15/pdf/2024-05543.pdf>