

# Veolia North America

Regulatory Update - November 2024



## **ENVIRONMENTAL UPDATES**

- A. [EPA; Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate \(3:1\); Revision to the Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act \(TSCA\); Final Rule](#)
- B. [EPA; Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of \(Z\)-1-chloro-2,3,3,3-tetrafluoropropene \(HCFO-1224yd\(Z\)\); Proposed Rule](#)
- C. [EPA Announces New Draft Framework to Advance Consideration of Cumulative Impacts on Communities; Webpage](#)
- D. [EPA; Risk Management Under the Toxic Substances Control Act: Certain Per and Polyfluoroalkyl Substances; Extension of Comment Period](#)

## **TRANSPORTATION UPDATES**

- E. [DOT; Enhanced Carrier Safety Measurement System \(SMS\); Notice](#)
- F. [DOT; Federal Motor Carrier Safety Regulations; Final Rule](#)

## **HEALTH & SAFETY UPDATES**

- G. [OSHA; Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings; Extension of Comment Period](#)

## **MISCELLANEOUS UPDATES**

*No Miscellaneous Updates in November 2024*

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*

**A. Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate (3:1); Revision to the Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA); Final Rule**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 11/19/2024

Effective Date: 01/21/2025

## Summary

The Environmental Protection Agency (EPA) is finalizing revisions to the regulations for decabromodiphenyl ether (decaBDE) and phenol, isopropylated phosphate (3:1) (PIP (3:1)), two of the five persistent, bioaccumulative, and toxic (PBT) chemicals addressed in final rules issued under the Toxic Substances Control Act (TSCA) in January 2021.

This final rule may affect individuals and businesses who manufacture (including import), process, distribute in commerce, or use decaBDE or decaBDE-containing products or articles or PIP (3:1) or PIP (3:1)-containing products or articles.

DecaBDE is a flame retardant that has been widely used in textiles, plastics, adhesives, and polyurethane foam. In this action, EPA is finalizing the following revisions to the 2021 decaBDE final rule:

- A requirement for the use of personal protective equipment (PPE) during certain activities involving decaBDE
- A prohibition on releases to water during the manufacturing, processing, and distribution in commerce of decaBDE and decaBDE-containing products
- An extension of the compliance date for the phase-out of processing and distribution in commerce of decaBDE-containing wire and cable insulation for nuclear power generation facilities
- An export notification requirement for decaBDE-containing wire and cable for nuclear power generation facilities
- An allowance for unintentional amounts of decaBDE present in products and articles at concentrations less than 0.1% by weight

PIP (3:1) is a flame retardant, a plasticizer, and an anti-compressibility and anti-wear additive. It is used in lubricants and hydraulic fluids and in the manufacture of other compounds. For PIP (3:1), EPA is finalizing the following revisions to the 2021 final rule:

- A requirement for the use of PPE for the domestic manufacturing and processing of PIP (3:1) and certain PIP (3:1)-containing products and articles
- Phaseouts on processing and distribution for certain uses
- New exclusions from the prohibitions on processing and distribution in commerce of PIP (3:1) for use in wire harnesses and electric circuit boards and for the processing and distribution in commerce of such PIP (3:1)-containing harnesses and circuit boards

- An exclusion to allow for distribution in commerce of new and replacement parts containing PIP (3:1);
- An allowance for unintentional amounts of PIP (3:1) present in products and articles at concentrations less than 0.1% by weight. EPA is not revising the October 2024 compliance date for articles not otherwise covered by an exclusion from prohibition or by an existing or newly finalized extension to a phase-out compliance deadline.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-19/pdf/2024-25758.pdf>

### **B. Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Exclusion of (Z)-1-chloro-2,3,3,3-tetrafluoropropene (HCFO-1224yd(Z)); Proposed Rule**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 11/12/2024

Comments Due: 01/13/2025

## Summary

The Environmental Protection Agency (EPA) is proposing to revise the EPA's definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). The EPA proposes to add (Z)-1-chloro-2,3,3,3-tetrafluoropropene (also known as HCFO-1224yd(Z); CAS number 111512-60-8) to the list of compounds excluded from the regulatory definition on the basis that this compound makes a negligible contribution to tropospheric ozone (O<sub>3</sub>), commonly known as smog, formation.

Comments on this proposed rule are due on or before January 13, 2025.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-12/pdf/2024-25971.pdf>

**C. EPA Announces New Draft Framework to Advance Consideration of Cumulative Impacts on Communities; Webpage**

## Agency

Environmental Protection Agency (EPA)

## Dates

Published Date: 11/21/2024

Comments Due: 02/19/2025

## Summary

The Environmental Protection Agency (EPA) released a draft of the Interim Framework for Advancing Consideration of Cumulative Impacts. This document provides tools and principles to agency programs and regional offices that can be used to consider cumulative impacts in their work.

The Interim Framework for Advancing Consideration of Cumulative Impacts describes principles for EPA to consider cumulative impacts in EPA decisions. These principles include:

- Centering cumulative impacts work on improving human health, quality of life, and the environment in all communities.
- Ensuring the disproportionate and adverse burden of cumulative impacts are not ignored or overlooked.
- Applying a fit-for-purpose approach grounded in science to assessing and addressing cumulative impacts.
- Engaging communities, consulting with Tribes, and considering and incorporating their lived experience.
- Using the best available data, science, and information to make decisions and take action.
- Operationalizing and integrating ways to highlight, consider and address cumulative impacts.

By evaluating and taking cumulative impacts into account, EPA can undertake actions and make decisions that help achieve the following goals:

- Communities are safe, healthy, and thriving.
- All people are protected from adverse environmental health effects and hazards, including cumulative impacts of environmental and other burdens.
- No community bears a disproportionate share of adverse environmental and public health impacts.

The draft is available for public comment to help EPA develop and implement approaches to incorporate cumulative impacts in delivering public health and environmental protections for communities and Tribes. Comments are due by February 19, 2025.

## Reference/Link

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

<https://www.epa.gov/cumulative-impacts/interim-framework-advancing-consideration-cumulative-impacts>

### **D. Risk Management Under the Toxic Substances Control Act: Certain Per and Polyfluoroalkyl Substances; Extension of Comment Period**

#### Agency

Environmental Protection Agency (EPA)

#### Dates

Published Date: 11/20/2024

Comments Due: 12/30/2024

#### Summary

The Environmental Protection Agency (EPA) is extending the comment period for the notice that was published in the Federal Register on September 30, 2024, on the manufacture of certain per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA), during the fluorination of high-density polyethylene (HDPE) and other plastic containers to inform regulations as appropriate under the Toxic Substances Control Act (TSCA).

This posting extended the comment period for 31 days to December 30, 2024. EPA received a request to extend the comment period from an interested stakeholder who requested additional time to collect information relating to EPA's notice and develop thoughtful responses to the issues raised in EPA's notice.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-20/pdf/2024-27111.pdf>

### **E. Enhanced Carrier Safety Measurement System (SMS); Notice**

#### Agency

Department of Transportation (DOT)

## Dates

Published Date: 11/20/2024

## Summary

Federal Motor Carrier Safety Administration (FMCSA) has announced enhancements to the Safety Measurement System (SMS) used to identify motor carriers for safety interventions and addresses comments received in response to FMCSA's Federal Register notice titled, "Revised Carrier Safety Measurement System (SMS)." These enhancements build on the Agency's efforts to continually improve SMS, which it first implemented in 2010.

On February 15, 2023, FMCSA proposed the following changes to its SMS and announced a 90-day preview and comment period for stakeholders (88 FR 9954):

1. Reorganized and Updated Safety Categories (Now "Compliance Categories"), Including New Segmentation;
2. Consolidated Violations;
3. Simplified Violation Severity Weights;
4. Proportionate Percentiles Instead of Safety Event Groups;
5. Improved Intervention Thresholds;
6. Greater Focus on Recent Violations;
7. Updated Utilization Factor.

During the 90 day preview and comment period, motor carriers were able to log in to the Prioritization Preview to see what their own prioritization results would be under the proposed SMS methodology. The public was able to view what a logged-in carrier would see using example data.

The posting in the Federal Register discusses the comments that were made following the preview period and includes FMCSA's responses to those comments.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-20/pdf/2024-27087.pdf>

### **F. Federal Motor Carrier Safety Regulations; Final Rule**

## Agency

Department of Transportation (DOT)

## Dates

Published Date: 11/18/2024

Effective Date: 11/18/2024

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*

## Summary

The Federal Motor Carrier Safety Administration (FMCSA) has amended its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. The Agency also makes a change to its rules of organization, procedures, and practice.

The rule does not impose any new material requirements or increase compliance obligations, and therefore it was issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-18/pdf/2024-25514.pdf>

### **G. Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings; Extension of Comment Period**

## Agency

Occupational Safety and Health Administration (OSHA)

## Dates

Published Date: 11/29/2024

Comments Due: 01/14/2025

Public Hearing: 06/16/2025

## Summary

Occupational Safety and Health Administration (OSHA) is extending the period for submitting comments on the Notice of Proposed Rulemaking (NPRM) on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings by 15 days until January 14, 2025 to provide additional time to review the NPRM and collect information and data necessary for comment.

In addition, OSHA is scheduling an informal public hearing on this proposed rule. The public hearing will begin June 16, 2025.

## Reference/Link

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

<https://www.govinfo.gov/content/pkg/FR-2024-11-29/pdf/2024-27897.pdf>

*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](mailto:kevin.mcgrath@veolia.com) or Nick Fiori, EHS Manager at [Nicholas.fiori@veolia.com](mailto:Nicholas.fiori@veolia.com).*