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OSHA Proposes to Amend Respiratory Protection Standard to Add Two Additional Fit-Testing Protocols

WASHINGTON, D.C. (Oct. 6, 2016) – OSHA issued a Notice of Proposed Rulemaking to add two quantitative fit-testing protocols to the agency's Respiratory Protection Standard. The protocols would apply to employers in the general, shipyard and construction industries.

Appendix A of the standard contains mandatory respirator fit-testing methods that employers must use to ensure their employees' respirators fit properly and protect the wearer. The standard also allows individuals to submit new fit-test protocols for OSHA approval. TSI Incorporated submitted an application for new protocols for full-facepiece and half-mask elastomeric respirators, and filtering facepiece respirators.

This proposed rulemaking would allow employers greater flexibility in choosing fit-testing methods for employees. The proposed rule would not require an employer to update or replace current fit-testing methods, as long as the fit-testing method(s) currently in use meet existing standards. The proposal also would not impose additional costs on any private- or public-sector entity.

More Information:

<https://www.osha.gov/>

Ohio EPA Accepting Comments on Changes to Surface Water Regulations

COLUMBUS, OH (Sept. 22, 2016) — As part of its three-year review, Ohio EPA is seeking comments about rules related to Ohio's surface water laws. To explain how to submit proposed changes for consideration and help the public understand the rulemaking process, the Agency held a webinar earlier in September 2016.

Among the specific rule changes that Ohio EPA anticipates considering through early stakeholder outreach include: adding criteria covering harbor or navigation maintenance in support of the ban on open lake disposal by 2020; revising language covering exceptions from the application of pesticides; rules related to public health nuisances caused by manure (mirror existing language applied to sewage/bacteria thresholds); applying new or updated national and Ohio criteria for chemicals in aquatic life (as well as national human health criteria for 94 chemicals); and categories of beneficial use designations for water supply, recreation and aquatic life.

More Information:

<http://www.epa.ohio.gov/News/OnlineNewsRoom/>

EPA Addresses Aggregation Concerns with Clean Air Act Exemption

WASHINGTON, D.C (Sept. 20, 2016) — Under EPA’s revised Regional Consistency regulations (codified in 40 C.F.R. Part 56), sources located in different parts of the country may be subject to a different “single source” aggregation test or other Clean Air Act policies based on decisions of the federal courts with local jurisdiction.

As a result of EPA’s adoption of the new Regional Consistency regulations, federal court decisions in one jurisdiction may not be applied consistently by EPA nationwide or from region to region. The “adjacency” component of the aggregation test is just one example of this. Companies will need to consider EPA’s regional and local application of Clean Air Act rules and policies before undertaking projects that may require permitting. In addition, EPA’s regional and local application could result in a competitive advantage or disadvantage for a project, depending on the location.

More Information:

<https://www.federalregister.gov/>

EPA Issues Strategy to Address the Mismatch Between the Federal Haz Waste Rules & Retail Sector

WASHINGTON, D.C (Sept. 23, 2016) — On September 12, 2016, the EPA issued a strategy for addressing growing concerns about the application of the federal hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) to the retail sector. EPA’s strategy aims to reconcile the decades-old hazardous waste regulatory program with the unique compliance issues facing the retail sector today. The strategy follows the EPA’s discussions with stakeholders, consideration of President Obama’s Executive Order directing agencies to evaluate regulatory effectiveness and efficiency, and review of public comments on a Notice of Data Availability (“NODA”) regarding waste management in the retail sector. EPA intends to implement the strategy through a combination of rulemakings, guidance documents, and further fact-gathering.

EPA’s Retail Strategy is unlikely to provide any meaningful relief to the retail sector in the short term, but there may be some long term benefits, especially if the Agency moves forward with certain elements, such as the reclassification of low-concentration nicotine-containing products as non-acutely hazardous wastes or non-hazardous wastes (as discussed below) and/or the establishment of streamlined “universal waste” requirements for aerosols. EPA’s plans to develop a policy on reverse logistics may also provide some certainty to the retail sector as to when products moving through reverse logistics are properly deemed to be discarded and thus solid wastes.

More Information:

<https://blog.epa.gov/blog/2016/>

EPA Finalizes Two Rules to Reduce Use and Emissions of Potent Greenhouse Gases

WASHINGTON, D.C. (Sept. 26, 2016) — On September 26, the EPA finalized two rules that will reduce the projected growth and emissions of hydrofluorocarbons (HFCs), a class of chemicals commonly used in refrigeration and air conditioning that are potent greenhouse gases and can be hundreds to thousands of times more powerful than carbon dioxide. These rules are the latest in a series of actions

demonstrating continued commitment by the U.S. to reduce emissions of climate-damaging HFCs at home, while working with other countries to amend the Montreal Protocol to address HFCs globally.

Under Section 612 of the Clean Air Act, EPA's Significant New Alternatives Policy (SNAP) program is adding to the list of safer and more climate-friendly chemicals for use in the refrigeration and air conditioning and fire suppression sectors; listing several new substitutes as unacceptable in specific end-uses in the refrigeration and air conditioning sector; and changing the status of a number of substitutes that were previously listed as acceptable in the refrigeration and air conditioning and foam blowing sectors. Foam products that contain unacceptable foam blowing agents are also listed as unacceptable.

More Information:

<https://www.epa.gov/newsreleases/>

EPA Acts on New Chemical Law to Fast-Track Five Chemicals

WASHINGTON, D.C. (Oct. 11, 2016) — EPA is taking swift steps to carry out requirements in the Frank R. Lautenberg Chemical Safety for the 21st Century Act to reform the Toxic Substances Control Act (TSCA) and to reduce exposure to certain persistent, bioaccumulative, and toxic (PBT) chemicals. PBT chemicals are of particular concern because they remain in the environment for significant periods of time and concentrate in the organisms exposed to them. These pollutants can transfer among air, water, and land, and span boundaries of geography and generations.

The five chemicals to receive expedited action are:

- **Decabromodiphenyl ethers** (DecaBDE), used as a flame retardant in textiles, plastics and polyurethane foam;
- **Hexachlorobutadiene** (HCBD), used in the manufacture of rubber compounds and lubricants and as a solvent;
- **Pentachloro-thio-phenol** (PCTP), used as an agent to make rubber more pliable in industrial uses;
- **Tris (4-isopropylphenyl) phosphate**, used as a flame retardant in consumer products and other industrial uses; and
- **2,4,6-Tris(tert-butyl)phenol**, used as a fuel, oil, gasoline or lubricant additive.

The statutory deadline for EPA to propose action is June 22, 2019. The new amendments to TSCA will help bring significant improvements to public health as EPA continues to take the steps necessary for its successful implementation.

More Information:

<https://www.epa.gov/newsreleases/>