EHS Regulatory Updates

Compiled for the Pine Chemicals Association

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Table of Contents

SAFETY / OSHA

- Page 2 - Enforcement of Heat Illness Hazards Without a Federal Standard: What Employers Need to Know Now
- Page 2 - OSHA Reveals Top 10 Workplace Safety Violations for 2026
- Page 2 - OSHA HazCom 2024: Employer Deadline for Substances

ENVIRONMENT / EPA

- Page 3 - EPA TSCA Significant New Use Rules (Batch 26-1)
- Page 3 - EPCRA Hazard Categories: Prepare for 2027 Inventory Reporting
- Page 3 - EPA and Corps Propose Significantly Narrower WOTUS Definition in Supplemental Rulemaking

TRANSPORTATION / DOT–PHMSA

- Page 4 - PHMSA International Hazmat Harmonization Proposal
- Page 4 - Lithium Battery Mark Transition: Review Shipment Labels

PROCESS SAFETY / CSB

- Page 5 - Deadly Chemical Tank Failure Prompts Call for Follow-Through on Corrective Actions
- Page 5 - Yenkin-Majestic: CSB Recommendations Still Open
- Page 5 - BP-Husky Refinery Fire: Emergency Response Lessons

EMERGENCY MANAGEMENT / LEPC–SERC / FIRE MARSHAL

- Page 6 - Winter Preparedness and Responder Coordination

UPCOMING CONFERENCES

- ⇒ SOCMA Summit and Annual Meeting — Atlanta, GA — November 11–13, 2026
- ⇒ 2027 SOCMA Show — Nashville, TN — February 24–26, 2027
- ⇒ Global TapRooT® Summit, Lake Conroe, Texas - April 7-9, 2027
- ⇒ PCA Spring Meeting — Kissimmee, FL — April 28–30, 2027
- ⇒ ASSP Safety Conference and Expo — New Orleans, LA — June 7–9, 2027
- ⇒ NSC Safety Conference & Expo — Anaheim, CA — September 24–30, 2027

SAFETY

Enforcement of Heat Illness Hazards Without a Federal Standard: What Employers Need to Know Now - "Federal OSHA still has no heat illness prevention standard, but that hasn't slowed enforcement. Between General Duty Clause citations, a revised National Emphasis Program, and a growing list of state rules, employers face real compliance questions today, along with a proposed federal rule that may look different by year's end. . . While the GDC gives OSHA broad enforcement authority, it is typically tougher for OSHA to enforce under the GDC than under a specific standard. That distinction matters as the rulemaking moves forward. The proposed standard, as currently drafted, requires employers to implement specific measures, including numerous prescriptive 'one-size-fits-all' requirements related to, for example, acclimatization, mandatory rest breaks, and heat monitoring schedules. We anticipate changes in the next few months: OSHA is expected to issue a Supplemental Notice of Proposed Rulemaking (SNPRM) this December." Read the full article here. (OSHA Defense Report, Beeta B. Lashkari and Eric. J. Conn, 10/27/2026.)

Top of the Document

OSHA Reveals Top 10 Workplace Safety Violations for 2026 - "The Occupational Safety and Health Administration (OSHA) announced its most frequently cited workplace safety standards for fiscal year 2026, highlighting hazards that continue to put workers at risk across industries. . . The preliminary data are based on OSHA inspections conducted during fiscal year 2026 and help employers identify persistent workplace hazards, prioritize improvements and strengthen safety programs. The Top 10 most frequently cited workplace safety standards are:

1. Fall Protection – General Requirements (1926.501): 4,041 violations
2. Hazard Communication (1926.1200): 1,961
3. Lockout/Tagout (1910.147): 1,863
4. Scaffolding (1926.451): 1,725
5. Ladders (1926.1053): 1,659
6. Respiratory Protection (1910.134): 1,608
7. Powered Industrial Trucks (1910.178): 1,379
8. Fall Protection – Training Requirements (1926.503): 1,273
9. Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102): 1,120
10. Machine Guarding (1910.212): 1,072

Although each of the Top 10 categories received fewer citations than the previous year, the rankings continue to highlight persistent workplace risks that require attention." Note that Fall Protection is the most cited standard for 16 years in a row. Read the full article here. (nsc.org, 9/15/2026.)

Top of the Document

OSHA HazCom 2024: Employer Deadline for Substances - OSHA's compliance-date extension sets November 20, 2026 for employers to update workplace labels, written programs and training as necessary for substances. Separate compliance dates apply to mixtures. Verify the applicable deadline and whether supplier SDS changes require action at your facility. Review OSHA compliance dates *(OSHA, 2026)*

Top of the Document

ENVIRONMENT / EPA

EPA TSCA Significant New Use Rules (Batch 26-1) - EPA published final Significant New Use Rules on October 15, 2026, effective December 14. Before manufacturing, importing or processing affected substances for a significant new use, facilities should screen chemical identities and uses and determine whether a Significant New Use Notice is required. Review EPA new-chemicals activity *(EPA, 10/15/2026)*

Top of the Document

EPCRA Hazard Categories: Prepare for 2027 Inventory Reporting - Previously covered in October: EPA aligned EPCRA Sections 311 and 312 hazard categories with OSHA HazCom. The revised categories apply to the 2027 reporting year, with Tier II reports due March 1, 2028. The new action is to map SDS classifications and check reporting software; this is not a November filing deadline. Review EPCRA guidance *(EPA, 2026; October follow-up)*

Top of the Document

EPA and Corps Propose Significantly Narrower WOTUS Definition in Supplemental Rulemaking - "In September 2026, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers (the Agencies) published a Supplemental Notice of Proposed Rulemaking (SNPRM) that would further revise the definition of 'waters of the United States' (WOTUS) under the Clean Water Act (CWA). 91 Fed. Reg. 57284 (Sept. 9, 2026). The SNPRM builds on the Agencies' November 2025 Notice of Proposed Rulemaking (NPRM), 90 Fed. Reg. 52498 (Nov. 20, 2025), and leaves much of that proposal unchanged. Its proposed changes, however, would significantly limit the scope of CWA coverage nationally. The SNPRM focuses on two key jurisdictional requirements: 'relatively permanent' flow and 'continuous surface connection' (CSC). It would also add 'perennial' as a defined term. In effect, the proposal offers, as an alternative to the NPRM's wet-season standards, proposed requirement that water to be present essentially year-round**. . .**

"If finalized, the SNPRM would likely remove a substantial number of wetlands and other features from federal jurisdiction. The Agencies themselves anticipate the greatest reduction in federally jurisdictional waters in the arid West, where intermittent streams drive much of the hydrology. The proposed changes may also be pronounced in the Upper Midwest, where bogs and similar wetlands are often saturated without showing year-round surface water. In those settings, the perennial-flow and CSC requirements would apparently be much harder to meet than the NPRM's wet-season tests. The SNPRM could also affect waters whose jurisdiction depends on a connection through intervening ditches, wetlands, or other features that do not otherwise carry perennial flow or perennial surface water. Whether the NPRM or the SNPRM are finalized remains uncertain, and any final rule will likely face legal challenges. Fredrikson will continue to track the rulemaking as it progresses." Read the full article here. (Lexology, Fredrikson & Byron PA, Tom Brett and Jeremy P. Greenhouse, 10/12/2026.)

Top of the Document

TRANSPORTATION / DOT–PHMSA

PHMSA International Hazmat Harmonization Proposal - PHMSA issued an October 27 proposal to harmonize portions of the Hazardous Materials Regulations with international standards. Chemical shippers should review potential impacts on descriptions, classification, packaging, and multimodal shipments. This is proposed, not final. Read the proposed rule *(PHMSA, 10/27/2026)*

Top of the Document

Lithium Battery Mark Transition: Review Shipment Labels - "The transition to the revised lithium battery mark is entering its final phase. While the regulatory changes are straightforward, many organizations are now asking the same question: What do we need to do before the transition period ends? If your company ships lithium batteries by ground, air, or sea, now is the time to review your labeling practices and prepare for the upcoming compliance deadlines. . . The revised lithium battery mark removes the requirement to include a telephone number. The applicable UN number(s) must still appear on the mark. This change has been adopted across major dangerous goods regulations:

- 49 CFR (United States)
- IATA Dangerous Goods Regulations
- IMDG Code
- Transport Canada's TDG Regulations

Although the requirements are now harmonized, the transition periods are different. The previous lithium battery mark with a telephone number may be used until December 31, 2026. Beginning January 1, 2027, the revised lithium battery mark without a telephone number is required." Click here to learn more. (thecompliancecenter.com, 8/12/2026.)

Top of the Document

PROCESS SAFETY / CSB

Deadly Chemical Tank Failure Prompts Call for Follow-Through on Corrective Actions -

- ⇒ How robust is your tank integrity program?
- ⇒ Does your program cover all tanks and not just those under the PSM standard?
- ⇒ Do inspectors have authority to require taking the tank out of service or limiting its capacity?

Chemical facility operators should restore equipment integrity as soon as it's found to be deficient, the Chemical Safety Board [CSB] is saying as it continues its investigation into a fatal tank failure.

The incident occurred May 26 at the Nippon Dynawave Packaging Co. LLC pulp and paper mill in Longview, WA. Eleven workers were killed, and three others were seriously injured after an atmospheric storage tank released around 900,000 gallons of a hot, caustic liquid called 'white liquor.' . . Initial findings from CSB's investigation showed that an external tank inspection 10 months before the incident revealed 'significant thinning below the minimum safe thickness in the lower regions of the tank.' Additional inspections in October 2025 and February came to the same conclusion. Still, the agency says, Nippon Dynawave didn't conduct an internal inspection, make repairs, or remove the tank from service before the tank failure occurred. 'The minimum safe thickness is the amount of material necessary for an atmospheric storage tank to safely contain its contents,' CSB investigator-in-charge Drew Sahli said in a press release. CSB supervisory investigator Mark Wingard added: 'Our investigation is examining why the tank remained in service without either being repaired or operated under reduced conditions.' Read the full article here. Access the full CSB final report here. (Safety + Health Magazine, 10/20/2026.)

Top of the Document

Yenkin-Majestic: CSB Recommendations Still Open - CSB reported October 19 that five safety recommendations stemming from the 2021 fatal Columbus, Ohio resin-plant explosion had not been implemented or substantively addressed. Audit how recommendations are assigned, verified, tested, and closed. Read the CSB update *(CSB, 10/19/2026)*

Top of the Document

BP-Husky Refinery Fire: Emergency Response Lessons - CSB's September 30 safety video examines the fatal 2022 BP-Husky refinery fire involving a release of pressurized naphtha during abnormal operations. Use it to discuss escalation, decision-making, release prevention, and emergency response when process conditions depart from normal. Review the CSB video *(CSB, 9/30/2026)*

Top of the Document

Question for Consideration: When inspection results or incident recommendations reveal a potentially catastrophic weakness, who has the authority to stop the operation, and how do we verify the corrective action is effective?

Top of the Document

EMERGENCY MANAGEMENT / LEPC–SERC / FIRE MARSHAL

Winter Preparedness and Responder Coordination - Before freezing weather, verify freeze protection, loss-of-utilities contingencies, backup power, emergency access, and communication with local responders. Coordinate with the LEPC/SERC, emergency management agency, and fire marshal as applicable. This is a seasonal facility action, not a newly issued rule. Review FEMA business readiness *(Facility-specific review)*

Top of the Document

Send your suggestions and comments to ehs@pinechemicals.org