

**Regulatory Updates**  
**Compiled for the Pine Chemicals Association**  
**May 1, 2021**

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## SAFETY

**Popular Sunscreen Chemical a Cancer Risk** – In an article published by the American Chemical Society, it was reported that the sunscreen ingredient octocrylene decomposes to benzophenone, a carcinogen, and can be dermally absorbed. The article recommends that regulators address this finding. Read the article [here](#).

**NTSB Issues its Most Wanted Improvements List** – The National Transportation Safety Board (NTSB) announced its 2021-2022 Most Wanted List for transportation safety. Half of the ten items on the list relate to automobile safety, including addressing speeding as well as impaired and distracted driving. See the full article [here](#). (NTSB website.)

**CDC Issues Recommendations for Fully Vaccinated Individuals** – On April 27, the Centers for Disease Control (CDC) issued general guidance for individuals who are fully vaccinated. Examples are given for indoor and outdoor activities. See the recommendations [here](#). (CDC website.)

**Formaldehyde Risk Assessment to Resume** - According to an article in the April 16, 2021 Environmental Compliance Alert, EPA is resuming a risk assessment of formaldehyde. The EPA lists formaldehyde as a probable human carcinogen. Formaldehyde was one of 10 chemicals EPA chose for assessments after Congress strengthened the Toxic Substances Control Act in 2016.

**Chemical Safety Board Plans to Add Board Members and Investigators** – “The U.S. Chemical Safety Board (CSB) . . . has announced that it will draw up a new board following a recommendation to do so by the Environmental Protection Agency Office of the Inspector General. The CSB will also undertake an effort to hire additional investigators in order to broaden its capability to review and investigate releases. Currently, the CSB only has one sitting board member, Chairwoman Katherine Lemos, who acknowledged during a recent board meeting that there are challenges associated with a one-member quorum.” (Lexology, Reed Smith LLP - Benjamin H. Patton, et al., 4/9/2021.)

**OSHA Moves Closer to Issuing Emergency Temporary Standard on COVID-19** - “OSHA on April 26 [submitted for review](#) to the White House Office of Information and Regulatory Affairs (OIRA) a draft of an emergency temporary standard related to COVID-19 – one of the final steps before the ETS can be published in the *Federal Register*. OIRA reviews typically last at least a couple of weeks, but the timeline for this ETS is unclear. OSHA hasn’t issued an ETS since November 1983, and that one (related to asbestos) was [invalidated](#) by the U.S Court of Appeals for the 5th Circuit about four months later. After publication of the ETS, OSHA would begin working on a permanent standard that would go into effect within six months. President Joe Biden on Jan. 21 signed an [Executive Order](#) that directed OSHA to consider an ETS related to COVID-19 and, [if considered necessary](#), issue it by March 15. That deadline passed with no perceivable movement on the ETS.” (SafetyandHealthMagazine.com, 4/28/2021.)

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## ENVIRONMENT

**Update on EPA’s TSCA New Chemicals Review Program** - “The Environmental Protection Agency (EPA) is conducting an evaluation of its policies, guidances, templates, and regulations under the Toxic Substances Control Act (TSCA) new chemicals program to ensure they adhere to statutory requirements, the Biden-Harris administration’s executive orders, and other directives. The agency has identified several instances where the approach for making determinations and managing risks associated with new chemicals can more closely align with the requirements of TSCA to ensure protections for human health and the environment, including the use of significant new use rules (SNURs) and assumptions related to worker exposures . . . EPA now intends to ensure necessary protections for workers identified in its review of new chemicals through regulatory means. Where EPA identifies a potential unreasonable risk to workers that could be addressed with appropriate personal protective equipment (PPE) and hazard communication, EPA will no longer assume that workers are adequately protected under OSHA’s worker protection standards and updated Safety Data Sheets (SDS). Instead, EPA will identify the absence of worker safeguards as ‘reasonably foreseen’ conditions of use, and mandate necessary protections through a TSCA section 5(e) order, as appropriate. [Learn more about EPA’s TSCA new chemicals program.](#)” (EPA website, 3/29/2021.)

**Could EPA Regulate Methane and Ethane as Volatile Organic Compounds Under the Clean Air Act?** – “On April 6, 2021, more than 400 environmental non-governmental organizations (ENGOS) submitted to EPA a ‘Petition for Rulemaking to Remove Methane and Ethane from ‘Negligibly Reactive’ Volatile Organic Compounds List.’ If granted, the petition could have greater consequence for Clean Air Act regulation than has the ‘endangerment finding’ EPA issued for greenhouse gases in 2009 following *Massachusetts v. EPA*. This is because the Clean Air Act was built to regulate volatile organic compounds (VOCs) in ways it was not built to regulate ‘greenhouse gases,’ and so calling methane and ethane VOCs would unleash the regulation of those two compounds under effectively all available Clean Air Act programs. Existing regulatory programs are not equipped to bear that load.” (Lexology, Vinson & Elkins LLP - Eric Groten, 4/22/2021.)

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*Send your suggestions and comments to [joel@pinechemicals.org](mailto:joel@pinechemicals.org).*