

**Regulatory Updates**  
**Compiled for the Pine Chemicals Association**  
**January 2, 2022**

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UPCOMING CONFERENCES

--NSC "The Future of EHS" (Virtual and In-Person) – 2/15-18/2022, Louisville KY

--NSC Northeast Safety Conference and Expo – 3/16-18/2022, Pittsburgh PA

--Utah Safety Conference and Expo – 3/30-31/2022, Sandy UT

--Florida Chamber Safety Council Conference & Expo - 3/31 and 4/1/2022, Lake Buena Vista FL

--NSC Southeast Safety Conference and Expo – 4/12-14/2022, Charleston SC

--2022 PCA Annual Meeting - 4/27-29/2022, Palm Beach Gardens FL

--NSC Southern Safety Conference and Expo – 5/10-12/2022, New Orleans LA

--NSC Midwest Safety Conference and Expo – 6/8-10/2022, Indianapolis IN

--ASSP Safety 2022 Professional Development Conference and Exposition - 6/26-29/2022, Chicago IL

--NSC Safety Conference and Expo – 9/19-21/2022, San Diego CA

## SAFETY

**Supreme Court to Review Vaccine Mandates on January 7** – “Following the U.S. Sixth Circuit Court of Appeals three-judge panel handing down a split decision reinstating the OSHA Emergency Temporary Standard (“ETS”) vaccination mandate, numerous emergency applications were filed with the U.S. Supreme Court. The Petitioners are seeking expedited review of their applications to overturn the Sixth Circuit decision. On December 22, in a pair of orders, the U.S. Supreme Court decided to consider four appeals relating to the OSHA ETS as well as the Centers for Medicare & Medicaid Services healthcare worker vaccination mandate. The four appeals of these two different vaccination mandates have been consolidated into two separate oral arguments scheduled to take place on January 7, 2022. The orders also note that a total of one hour is being allotted for oral argument in each one of the cases.” Read the full article [here](#). (Lexology, Snell & Wilmer LLP - Charles P. Keller, et al., 12/23/2021.)

**CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population** – This is a fast-changing issue, so check the CDC website for the latest guidance. CDC Media Statement:

Given what we currently know about COVID-19 and the Omicron variant, CDC is shortening the recommended time for isolation for the public. People with COVID-19 should isolate for 5 days and if they are asymptomatic or their symptoms are resolving (without fever for 24 hours), follow that by 5 days of wearing a mask when around others to minimize the risk of infecting people they encounter. The change is motivated by science demonstrating that the majority of SARS-CoV-2 transmission occurs early in the course of illness, generally in the 1-2 days prior to onset of symptoms and the 2-3 days after.

Additionally, CDC is updating the recommended quarantine period for anyone in the general public who is [exposed to COVID-19](#). For people who are unvaccinated or are more than six months out from their second mRNA dose (or more than 2 months after the J&J vaccine) and not yet boosted, CDC now recommends quarantine for 5 days followed by strict mask use for an additional 5 days. Alternatively, if a 5-day quarantine is not feasible, it is imperative that an exposed person [wear a well-fitting mask](#) at all times when around others for 10 days after exposure. Individuals who have received their booster shot do not need to quarantine following an exposure, but should wear a mask for 10 days after the exposure. For all those exposed, best practice would also include a test for SARS-CoV-2 at day 5 after exposure. If symptoms occur, individuals should immediately quarantine until a negative test confirms symptoms are not attributable to COVID-19. . .

Read the full Media Statement [here](#). (CDC website, 12/27/2021.)

**OSHA is Withdrawing Most of the Healthcare ETS** – While this doesn’t directly impact the Pine Chemicals Industry, it’s an interesting turn of events. “OSHA has announced that it is withdrawing most of the [Emergency Temporary Standard](#) for healthcare employers (Healthcare ETS) it promulgated more than six months ago. The agency did not withdraw recordkeeping

provisions requiring COVID-19 logs and case reports, as they were promulgated under separate provisions of the Occupational Safety and Health Act (OSH Act). OSHA ‘strongly urges’ continued compliance with the withdrawn standard, promising to use the discontinued requirements of the Healthcare ETS to ‘vigorously enforce’ the General Duty Clause . . . OSHA will formalize its announcement with a notice in the *Federal Register*.” (Lexology, Jackson Lewis PC - Melanie L. Paul, et al., 12/28/2021.)

**Heat Stress Rulemaking** – As reported last month, OSHA has published a Notice of Proposed Rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings in the *Federal Register*. This is an update to indicate that the comment period has been extended to January 26, 2022. Read more [here](#), which includes a link to comment. In addition to the heat-specific rule, OSHA instituted a heat-related enforcement initiative and will be rolling out a National Emphasis Program for heat-related safety efforts sometime in 2022. (OSHA website.)

## ENVIRONMENT

### 2021 Revision of the ASTM Phase I Environmental Site Assessment Standard

**Approved** - “On November 1, 2021, the environmental committee of ASTM International approved revisions to the organization’s E1527 standard practice for Phase I environmental site assessments. The ASTM standard is widely used to satisfy the “All Appropriate Inquiries” (AAI) requirements under U.S. Environmental Protection Agency (U.S. EPA) rules that allow parties of commercial property transactions to establish certain defenses to liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Many jurisdictions have also incorporated some or all of these requirements into defenses and exemptions relating to state liability for hazardous waste contamination. The revised ASTM standard is not expected to be published until December 2021. U.S. EPA’s rules currently refer to the 2013 version of the standard, E1527-13, and it is likely that the agency will allow for a transition period in substituting a requirement to utilize the 2021 version, as it has in the past.” Read the full article [here](#). (DickinsonWright.com, Madeline Fleisher, 11/16/2021.)

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