

Regulatory Updates
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UPCOMING CONFERENCES

--NSC Safety Conference and Expo, 9/16-21/2022, San Diego CA

--**PCA International Conference, 9/25-27/2022, Denver CO**

--ASSP Safety Conference and Expo, 6/5-7/2023, San Antonio TX and Online

SAFETY

OSHA Conducts Comprehensive Heat Illness Prevention Stakeholder Meeting –

“On Tuesday, May 3, 2022, OSHA held a virtual stakeholder meeting to discuss and receive public input about OSHA’s various initiatives designed to protect workers from heat-related hazards. Below is a summary of the stakeholder meeting. . . [If you would like to view the entire meeting](#), or view the agenda or some of the heat illness-related materials OSHA made available, they are available on [OSHA’s Heat Forum Public Stakeholder Meeting](#) website. The last session of the day was the OSHA leadership panel, moderated by Mandy Edens (the career Deputy Assistant Secretary of Labor for OSHA), . . . The panel took and answered numerous questions, including with these highlights:

- OSHA described how the heat illness campaign historically had been focused on water, rest, and shade, but OSHA has more recently focusing on acclimatization, as well.
- OSHA explained its goal of destigmatizing the reporting of heat illness symptoms by encouraging more open communication about heat hazards.
- OSHA stated that frontline supervisors must be familiar with heat hazards.
- OSHA described how issuance of a standard creates a “level playing field” for employers who have already proactively created heat illness prevention programs.
- After mentioning that the hearing on the COVID-19 permanent standard for healthcare had just concluded, OSHA reiterated that it is reviewing comments on the [proposed rulemaking], and that the next step for public engagement will be a . . . meeting for small businesses, but no date for that has been set yet, and that OSHA rulemakings like this can take around seven years.
- OSHA stated that the construction industry will definitely be covered by the heat standard.
- In terms of wearing necessary PPE, but not increasing heat load, OSHA mentioned that there are cooling equipment technologies that can be adopted.
- On the topic of mobile worksites, in construction, OSHA mentioned that it is important to consider the mobile workforce in the rulemaking, especially with respect to acclimatization.
- To deal with the mix of indoor and outdoor heat hazards, OSHA mentioned that it received many comments that flexibility is important, and that OSHA is definitely not looking to create a one-size-fits-all standard. Rather, OSHA wants to be able to cover outdoor/indoor, mobile/fixed workforces so that employers can actually comply.
- In addition, OSHA states that this is only the second time OSHA has requested a specific NACOSH Work Group, and the Work Group is represented by both fixed and mobile work groups, and tasked with addressing this issue.
- OSHA said climate change actually plays a small role in the heat rule. OSHA is focused on the hazards of dangerous heat, but climate change plays a part in the rulemaking in terms of economic modeling.”

You can also read more of the summary [here](#). (OSHA Defense Report, Beeta B. Lashkari, Eric J. Conn, 5/13/2022)

ENVIRONMENT

EPA to Evaluate Discarded PVC Materials as a Hazardous Waste – Per a consent decree, EPA has until January 2023 to determine if discarded polyvinyl chloride (PVC) materials are a hazardous waste. A court ruled that EPA must reconsider its 2014 ruling. The plaintiff, The Center for Biological Diversity argues “exposure to vinyl chloride, phthalate plasticizers and other chemical additives is associated with a broad array of developmental and behavioral abnormalities in humans and wildlife species. Recent studies reveal that finished PVC products leach significant concentrations of these compounds into the environment as they deteriorate with age, threatening severe biological consequences.” Read more [here](#) and [here](#).

Worst-Case Discharge of Hazardous Substances Proposed Rule, Comments Due by July 26 – “On March 10, 2022, EPA Administrator Michael Regan signed a proposed rule to require certain facilities to develop facility response plans for a worst-case discharge of Clean Water Act (CWA) hazardous substances, or threat of such a discharge. A worst-case discharge is the largest foreseeable discharge in adverse weather conditions, including those from climate change. The facility response plan requirements would apply to facilities that could reasonably be expected to cause substantial harm to the environment, based on their location. These include industrial facilities with a maximum onsite capacity of a CWA hazardous substance that meets or exceeds threshold quantities, located within a 0.5-mile radius of navigable water or conveyance to navigable water, and that meets one or more substantial harm criteria. The proposed action considers increased risks of worst-case discharges from climate change as well as impacts to communities with environmental justice concerns. The Agency is also soliciting comment on additional strategies to take these concerns into account. EPA is taking public comment on the proposed rule until July 26, 2022. Comments can be submitted at www.regulations.gov (Docket No.: EPA-HQ-OLEM-2021-0585).” (epa.gov)

Send your suggestions and comments to joel@pinechemicals.org

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