

Regulatory Updates
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UPCOMING CONFERENCES

--SOCMA Summit and Annual Meeting, 11/14-16/2022, New Orleans LA

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

SAFETY

OSHA's Proposed Injury Reporting Rule will Impact Smaller Companies - "Big changes are just around the corner for smaller companies, with OSHA's proposed final rule to restore and expand upon Obama-era injury reporting requirements currently set to publish in December 2022. The draft version of the rule would see reporting requirements expand for high-hazard employers with at least 100 employees having to submit injury and illness forms electronically to the agency, down from the current 250 employees. Employers with 20 to 249 employees who are classified in specific industries with historically high rates of occupational injuries and illnesses won't see any significant changes to how they report. The final rule would not only expand on the number of employers covered, it would also reinstate requirements to have employers identify themselves on reports and provide more detailed Form 300 injury and illness data. OSHA states in the proposed rule's [Federal Registry entry](#) that it 'intends to post the data from the proposed annual electronic submission requirement on a public website after identifying and removing information that reasonably identifies individuals directly, such as individuals' names and contact information.' Read the full article [here](#). (Safety News Alert, Merriell Moyer, 10/11/2022.)

OSHA Working on Updating Construction PPE Standard to Address Fit - "OSHA issued a notice of proposed rulemaking (NPRM) on Sept. 7 to update its standards regarding the requirements for the proper fit of PPE for workers in the construction industry. . . The only fit requirements mentioned [in the current standards] are for hearing, eye and face protection. . . A proposed OSHA rule could just modify the current construction standards to align more with the general industry standards, but there's a chance OSHA is aiming to issue 'a more robust standard that would have requirements beyond a general requirement of fit,' according to Ogletree Deakins." (Safety News Alert, Merriell Moyer, 9/22/2022.)

OSHA Considering Revising Lead Exposure Rules - "OSHA may toughen its workplace exposure to lead standard for the first time since 1978. The safety agency [proposes](#) to lower the blood lead levels (BLLs) for medical removal and for returning to lead-exposed work for both general industry and construction. Recent medical studies show adverse health effects can occur at levels lower than OSHA's current BLLs. Lead exposure can damage the reproductive, cardiovascular, neurological, respiratory and immune systems." (Safety News Alert, Scott Ball, 9/7/2022.)

NIOSH Issues New Guidebook on Keeping Temporary Workers Safe - "Use of temporary workers continues to increase in the U.S. - there was already a 682% increase in temporary workers between 1992 and 2017, jumping from 341,884 to 2.7 million - and now there's a new guidebook for protecting them. On July 18, the National Institute for Occupational Safety and Health (NIOSH) released '[Protecting temporary workers: best practices for host employers](#),' a new guidebook to ensure temporary workers stay safe on the job. This guidebook applies to any company employing temporary workers through staffing firms in any industry and covers the responsibilities and roles of both the host employer and the staffing

company, according to law firm Cozen O'Connor. In 2014, OSHA and NIOSH worked together on a similar handbook, called 'Recommended Practices: Protecting Temporary Workers,' which the new guidebook expands upon." (Safety News Alert, Merriell Moyer, 7/27/2022.)

Webinar Opportunity – Active Shooter Awareness, Understanding the Human Factors – Click [here](#) to read more and to register for this one-hour seminar on November 16. Several times are offered, and a recording of the presentation will be available to those who register.

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ENVIRONMENT

EPA Amends NESHAP at Major Sources from New and Existing ICI Boilers and Process Heaters (Boiler MACT)

– “On October 6, 2022, EPA amended the national emission standards for hazardous air pollutants (NESHAP) at major sources from new and existing industrial, commercial, and institutional (ICI) boilers and process heaters [aka Boiler MACT.] [The final rule can be seen at] [87 Fed. Reg. 60816](#). Certain aspects of the NESHAP were challenged and subsequently remanded to EPA by the U.S. Court of Appeals for the District of Columbia Circuit. The final rule amends several numeric emission limits for new and existing boilers and process heaters consistent with the court’s opinion and sets compliance dates for these new emission limits. The final rule also provides further explanation of one aspect of EPA’s use of carbon monoxide (CO) as a surrogate for organic hazardous air pollutants (HAP) and its use of a CO threshold to represent the application of the maximum achievable control technology (MACT) for organic HAP. The final rule is effective on December 5, 2022.” Facilities will have three years to comply. (Lexology, Bergeson & Campbell PC, 10/18/2022.)

EPA Proposes Change to Treatment of Fugitive Emissions in New Source Review

- “On October 13, 2022, the U.S. Environmental Protection Agency (EPA) released a [proposed rule](#) changing the treatment of fugitive emissions in determining whether a modification is major under the New Source Review (NSR) provisions of the Clean Air Act. The proposed rule, which modifies NSR regulations that have been stayed since 2009, would require all major sources to consider fugitive emissions when determining whether a proposed change would constitute a major modification. Regulated entities considering changes to their existing facilities should monitor the progress of this rule and consider commenting. . . EPA’s new proposed rule would require all major sources to consider fugitive emissions when determining whether a proposed change would constitute a major modification. Moreover, EPA’s new rule would eliminate the exception for circumstances where a change constitutes a major modification only because of fugitive emissions. EPA’s new rule would not change how fugitive air emissions are considered in determining whether a new or existing source is a major source.” Read the full article [here](#). (Lexology, Sidley Austin LLP - Jack Raffetto and Samuel B. Boxerman, 10/18/2022.)

Send your suggestions and comments to joel@pinechemicals.org

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