

Regulatory Updates
Compiled for the Pine Chemicals Association
April 3, 2023

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UPCOMING CONFERENCES

--**PCA Spring Meeting, 4/3-5/2023, Hilton Head Island SC**

--**PCA EHS Committee In-Person Meeting, 4/4/2023, Hilton Head Island SC**

--NSC Spring Safety Conference & Expo, 5/17-19/2023, Indianapolis IN

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

--NSC Safety Southern Conference & Expo, 10/23-25/2023, New Orleans LA

SAFETY

OSHA Announces VPP Modernization Project – “On February 16, 2023, OSHA announced that it is inviting the public and workplace safety stakeholders to share their comments to assist the agency as it [modernizes and enhances its Voluntary Protection Program \(“VPP”\)](#). The deadline for comments is April 14, 2023.” (OSHA Defense Report, 3/14/2023.)

OSHA Initiates Rulemaking to Revive Union Participation in OSHA Inspections at Non-Union Workplaces - “OSHA recently [announced](#) plans to publish a notice of proposed rulemaking (‘NPRM’), as early as this Spring, to amend 29 CFR 1903.8(c), which is the regulation governing the rights to participate in OSHA inspections by non-employees of the inspected employer. . . For now, at least, union representatives at non-unionized workplaces do not have the legal right to participate in an OSHA inspection. If adopted, this rule will again change the inspection landscape. First, having an outside community or union activist in your worksite during an inspection may strain employers’ abilities to cast their workplaces in the most favorable light. Second, non-union employers should be prepared for the possibility that union representatives will gain, through participation in an OSHA inspection, useful knowledge, or relationships to facilitate an organizing campaign.” Read the full article [here](#). (OSHA Defense Report, Aaron Gelb, Eric Conn, Ashley Mitchell, 3/17/2023.)

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ENVIRONMENT

Pollution Prevention Tools and Calculators – I would be interested if anyone can share their experiences using these tools. “These calculators are valuable for helping Pollution Prevention (P2) program grantees, technical assistance providers and others measure environmental outcomes and economic performance related to pollution prevention activities.

- [P2 Cost Calculator \(xism\)](#): Calculates cost savings from P2 actions using state and national unit costs for fuel, energy, water purchases, treatment fees for wastewater and hazardous waste and permitted air emission fees. For hazardous substances and certain categories of impairment to water quality, the calculator relies on user-entered unit costs for calculating cost savings.
- [P2 Greenhouse Gas Calculator \(xism\)](#): Calculates greenhouse gas emission reductions from electricity conservation, green energy, fuel and chemical substitutions, water conservation and solvent remanufacturing. The calculator can also make a direct conversion of greenhouse gas reductions to related cost savings, drawing on data in the P2 Cost Calculator.
- [P2 Calculator for Reductions in Hazardous Substances, Pollutants and Contaminants \(xism\)](#): Converts reductions of hazardous materials use and hazardous releases to air, water and land into pounds. The calculator also provides densities of hazardous materials and calculates reductions of solvents through remanufacturing.

Here is additional information on [measurement for P2 grantees](#). For additional assistance with the P2 calculators, contact Kathy Davey, davey.kathy@epa.gov” (epa.gov, 2/2/2023.)

RCRA Compliance Advisory on E-Manifest Data Errors - US EPA issued a Compliance Advisory earlier this month to remind hazardous waste generators and receiving facilities about the requirements for complete and accurate manifests to track shipments. Since receiving the first manifests in electronic format, EPA has identified three issues with the completeness and accuracy of the data submitted.

1. An inaccurate or missing EPA ID number, including for small and very small quantity generator sites.
2. Mis-matching or invalid Manifest Tracking Numbers (MTN)
3. Electronic submission & typo errors

See the full Compliance Advisory and more information about the e-Manifest program for hazardous wastes (and other substances) [on EPA's website](#).” Read the full article [here](#). (Lion Technology, Inc., Roger Marks, 3/20/2023.)

Where is the RCRA Generator Improvements Rule in Effect? – “As of March 28, 2023, thirty-nine (39) states and Washington D.C. have adopted part or all of the [2016] RCRA Generator Improvements Rule. The following states have now incorporated part or all of the RCRA Generator Improvements into their state hazardous waste regulations: Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nevada,

New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, *Washington D.C.*, West Virginia, Wisconsin, and Wyoming. Add Puerto Rico, American Samoa, the Northern Mariana Islands, and Federal Tribal territories, all of which use the Federal RCRA regulations, to that list.” View this information on a map and read the full article [here](#). (Lion Technology, Inc., Roger Marks, 3/14/2023.)

EPA Moves to Eliminate SSM Plans – EPA is exerting pressure to eliminate the industry shield of excess emissions during Shutdown, Startup, and Malfunctions (SSM) and to reverse recently approved state implementation plans that accommodate SSM plans. See this entry in the [Federal Register](#). Comments are due by April 15. Litigation is expected.

Send your suggestions and comments to ehs@piechemicals.org

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