

Regulatory Updates
Compiled for the Pine Chemicals Association
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UPCOMING CONFERENCES

--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

--PCA International Conference, 9/17-19/2023, Dublin Ireland

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

SAFETY

OSHA's Next GHS Hazard Communication Rule Update Coming Soon? - This is something we need to monitor closely. The proposed rule had some significant changes, especially regarding container labeling and the details of the Safety Data Sheet.

OSHA now plans to release a Final Rule aligning the Hazard Communication Standard (HCS) with elements from the 7th revised edition of the GHS in Spring 2023. Proposed changes to the Hazard Communication Standard (HCS) for chemical manufacturers, importers, distributors, and employers will impact labeling of chemical containers, hazard classification, Safety Data Sheet (SDS) requirements, and more. [The proposed HCS update rule](#) appeared in the *Federal Register* more than two years ago, on February 16, 2021, and was followed by a public comment period and an informal public hearing. (Lion Technology, Inc., Roger Marks, 3/28/2023.)

NACOSH Heat Work Group Meeting and the Next Phase of OSHA's Heat Illness Rulemaking - "On March 20th OSHA [announced](#) that it will hold a virtual meeting of the Heat Working Group (Working Group') of the National Advisory Committee on Occupational Safety and Health ('NACOSH') for . . . Thursday, April 27, 2023. We expect the Working Group presentation to include specific recommendations on potential elements of a Heat Injury and Illness Prevention standard. The full NACOSH committee will meet a little later, sometime in May (date TBD), likely to receive and vote on the recommendations of the Heat Working Group about a potential heat illness standard. NACOSH recommendations typically carry great weight with OSHA, and we expect OSHA will most certainly give them serious consideration." Read the full article [here](#). (OSHA Defense Report, Eric J. Conn, Kate M. McMahon, and Beeta B. Lashkari, 4/25/2023.)

Change to OSHA Injury and Illness Reporting Gets Final Review at OMB - "OSHA's Final Rule to revise the injury and illness reporting/recordkeeping requirements for employers is under review at the Office of Management and Budget (OMB). The rule revises the criteria for who must report injury/illness data annually and what info some employers must submit. Review by OMB is one of the last steps of the rulemaking process. The Office of Information and Regulatory Affairs (OIRA), a sub-office of OMB, reviews new regulations before publication to ensure that the benefits of the rule justify the economic and time burdens it imposes on people." Read the full article [here](#). (Lion Technology, Inc., 4/21/2023.)

OSHA Expands Enforcement Against Serious Safety Violators – "The U.S. Occupational Safety and Health Administration (OSHA) released new enforcement [guidance](#) on Jan. 26 that expands how it applies instance-by-instance citations for serious violations of the Occupational Safety and Health Act (OSH Act). The agency is stepping up enforcement to strengthen compliance and help prevent workplace injuries and fatalities. OSHA regional administrators and area office directors will gain the authority to bring instance-by-instance citations for some egregious violations of OSHA standards, instead of grouping them together. OSHA has also broadened the list of situations that may result in instance-by-instance citations to include lockout/tagout, machine guarding, permit-required confined space, respiratory

protection, falls and trenching. The new guidance [took] effect March 27 and cover general industry, agriculture, and the maritime and construction industries.” Read the full article [here](#). (SHRM, Leah Shepherd, 1/31/2023.)

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ENVIRONMENT

Chrysotile Asbestos Phaseout for Certain Uses Proposed Rule - “The Environmental Protection Agency is announcing the availability of and soliciting public comment on additional data received by EPA related to the proposed rule for Part 1: Chrysotile Asbestos; Regulations of Certain Conditions of Use under TSCA. These additional data pertain to chrysotile asbestos diaphragms used in the chlor-alkali industry and chrysotile asbestos-containing sheet gaskets used in chemical production and may be used by EPA in the development of the final rule, including EPA's determination of what constitutes ‘as soon as practicable’ with regard to the proposed chrysotile asbestos prohibition compliance dates for these uses.” Read more [here](#). (regulations.gov, 3/17/2023.)

DOT

Hazmat Safety Advisory: Flammable Liquids by Rail - “US DOT PHMSA, together with the Federal Rail Administration (FRA), issued a hazardous materials *Safety Advisory* related to DOT-111 specification rail tank cars in flammable liquid service recently. The advisory follows the derailment and large hazardous materials release in East Palestine, OH on February 3, and several (less severe) incidents involving hazmat on the rails in the two months since. The notice, issued on March 22, reminds the regulated community that concerns exist about the DOT-111 tank car's ability to survive an incident without a breach/hazmat release. Those concerns led PHMSA (and the FRA) to begin a phase-out and/or mandatory retro-fit schedule for DOT-111 tank cars years ago, which is still ongoing. The hazmat safety advisory urges tank car owners and/or shippers to:

- Voluntarily replace their DOT-111 tank cars with “the newest, and safest, available tank car design authorized for flammable liquid service—the DOT-117 specification tank car.”
- Follow the requirements for high-hazard flammable trains (HHFTs) for trains carrying flammable liquids in DOT-111 tank cars, even if the train has fewer cars than an HHFT.”

(Lion Technology, Inc., Roger Marks, 3/31/2023.)

Send your suggestions and comments to ehs@piechemicals.org

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