

Regulatory Updates
Compiled for the Pine Chemicals Association
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UPCOMING CONFERENCES

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

--NSC Safety Southern Conference & Expo, 10/23-26/2023, New Orleans LA

SAFETY

Final Rule, OSHA Injury & Illness Reporting and Recordkeeping – The following change probably doesn't affect most of us, since we're likely already included in Appendix A. "The existing OSHA regulations for reporting injuries and illnesses (29 CFR Part 1904.41) require two categories of workplace or 'establishment' to submit [electronically] an annual summary of injury and illness cases:

- Establishments with 250 or more employees who are required to keep injury/illness records.
- Establishments with 20–249 employees in designated higher-risk industries.

[OSHA's new Final Rule](#) for injury and illness reporting:

- Continues to require establishments with 250 or more employees that must keep records of injuries/illnesses to submit info from the annual summary (Form 300A).
- Requires annual submission of info from Forms 300A, 300, and 301 from establishments with 100 or more employees in [industries listed in a new Appendix B to Part 1904, Subpart E](#).
- Continues to require establishments with 20–249 employees in industries listed in Appendix A to Subpart E to submit info from the annual summary (Form 300A).
- Requires establishments to provide their company name with electronic submissions."

The final rule becomes effective January 1, 2024. Read the full article [here](#). (Lion Technology, Inc., Roger Marks, 7/21/2023.)

Recent News Releases from the Chemical Safety Board – Here are links to some recent news releases from the CSB that are germane to our industry. (csb.gov)

- [CSB Releases Final Report on 2019 Massive Tank Farm Fire at the Intercontinental Terminals Company facility in Deer Park, Texas](#) (Release and fire of flammable liquid from an atmospheric storage tank.)
- [CSB Releases Investigation Report into Fatal 2020 Explosion at Optima Belle Facility in Belle, West Virginia](#) (At a toll processing facility, there was an unexpected decomposition reaction, releasing gases that increased the dryer internal pressure above its design pressure, and the dryer exploded [overpressurized].)

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ENVIRONMENT

EPA Proposes to Add Electronic Reporting Provisions to NESHAP for RICE and NSPSs for Internal Combustion Engines

– “On June 26, 2023, EPA proposed to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE), the New Source Performance Standards (NSPS) for Stationary Compression Ignition (CI) Internal Combustion Engines, and the NSPS for Stationary Spark Ignition (SI) Internal Combustion Engines to add electronic reporting provisions. [88 Fed. Reg. 41361](#). According to EPA, the addition of electronic reporting provisions will provide for simplified reporting by sources and enhance availability of data on sources to EPA and the public. In addition, a small number of clarifications and corrections to these rules are being proposed to correct inadvertent and other minor errors in the C.F.R., particularly related to tables. EPA states that it is soliciting information on the provisions specifying that emergency engines can operate for up to 50 hours per year to mitigate local transmission and/or distribution limitations to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region. Comments are due August 25, 2023.” (Lexology, Bergeson & Campbell PA, 7/19/2023.)

EPA Rescinds Rule on Increasing Consistency and Transparency in Considering Benefits and Costs in the CAA Rulemaking Process

– “On July 13, 2023, EPA rescinded the December 2020 rule entitled “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process” (the Benefit-Cost Rule). [88 Fed. Reg. 44710](#). EPA states that it is rescinding the rule because the changes advanced by the rule were inadvisable, untethered to the Clean Air Act (CAA), and not necessary to effectuate the purposes of the CAA. The final rule will be effective August 14, 2023.” (Lexology, Bergeson & Campbell PA, 7/19/2023.)

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SECURITY

Chemical Industry Warns of Risks as Congress Lets CFATS Program Lapse -

“Chemical industry officials and lawmakers are warning of security risks from a lapse of federal anti-terrorism standards after senators failed to strike a deal before leaving town for more than a month. The Department of Homeland Security’s Chemical Facility Anti-Terrorism Standards [CFATS] expired at the end of Thursday. The House passed legislation (H.R. 4470) to renew the program, but a lone holdout—Republican Rand Paul (KY)—blocked fast-tracked consideration in Senate. Lawmakers are heading out for their August recess without a deal.”
(news.bloomberglaw.com, Ellen Gilmer, 7/28/2023.)

The American Chemistry Council (ACC) expressed deep concern about the expiration and issued a [statement](#).

Send your suggestions and comments to ehs@pinechemicals.org

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