

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

Musculoskeletal ‘Overexertion’ Costliest Workers’ Compensation Injury – This headline is probably not a surprise for most of us. Of the total annual \$58 billion Workers’ Compensation costs, 22% is from overexertion-related claims. Also, the top ten costliest injuries comprise 83% of the total costs.

Overexertion involving outside sources is at the top of the list of costliest workplace injury causes in 2023, according to a new report. Liberty Mutual Insurance’s Workplace Safety Index (WSI) is an annual report that “examines the top 10 causes of the most serious disabling workplace injuries – those leading to more than five missed workdays – ranked by their direct cost to employers based on medical expenses and lost wages.” [The 2023 WSI states](#) that injuries from overexertion involving outside sources accounts for \$12.8 billion annually. That’s the “largest chunk of the overall \$48.2 billion spent on the top 10 injuries in workers’ compensation,” according to Business Insurance.

The rest of the top 10 costliest injury causes, include:

- falls on the same level at \$9 billion
- falls to a lower level at \$6 billion
- struck by objects or equipment at \$5.1 billion
- other exertions or bodily reactions such as awkward postures at \$3.7 billion
- exposure to other harmful substances at \$3.4 billion
- vehicle crashes at \$2.6 billion
- caught in or compressed by machinery at \$2 billion
- slips, trips, or falls at \$1.9 billion, and
- vehicle crashes involving pedestrians at \$1.6 billion.

These and other injuries cost U.S. businesses more than \$1 billion per week, according to the 2023 WSI. That’s more than \$58 billion per year, with most of them caused by the 10 types of incidents listed above.

Read the full article [here](#). (safetynewsalert.com, Merriell Moyer, 8/15/2023.)

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ENVIRONMENT

EPA Revises Waters Rule to Align with High Court Wetlands Ruling – “A new rule governing federally protected waters and wetlands was issued Tuesday by the EPA to align agency regulations with a US Supreme Court ruling that will allow unpermitted development in wetlands across the country. The [rule](#) revises the Biden administration’s earlier waters of the US, or WOTUS, definition finalized in January, removing its legal basis, which was struck down by the Supreme Court in May in [Sackett v. EPA](#). The January WOTUS rule expanded federal Clean Water Act protections over wetlands and waterways. But the Supreme Court in *Sackett* limited the waters that can be protected under the act, potentially allowing construction and pollution in vast swaths of wetlands across the country.” Read the full article [here](#). (bloomberglaw.com, Bobby Magill, 8/29/2023.)

RCRA Corrections Rule is Worth a Look for Generators - “Hazardous waste generators can submit comments until October 10, 2023, on a sizable direct final rule making several ‘technical corrections’ to the RCRA hazardous waste regulations. Many of the corrections affect provisions added or revised as part of three previous RCRA rulemakings:

- Generator Improvements Rule
- Hazardous Waste Pharmaceuticals Rule
- Definition of Solid Waste Rule (2018)

. . . The rule includes at least two changes with the potential to affect the way some hazardous waste generators manage their compliance responsibilities.

Accumulation limits for Small Quantity Generators

Under RCRA, small quantity generators (SQGs) must abide by a 6,000 kg limit on total hazardous waste accumulated on site at any one time. This rule adds a second on-site accumulation limit of *1 kilogram for acute hazardous waste* to the limits for SQGs.

RCRA hazardous waste determinations and recordkeeping

Normally when characterizing a hazardous waste, generators identify all applicable waste codes (D-codes and F, K, U, and P codes). Generators are required to keep detailed waste ID records, including recording waste codes. If and when this rule takes effect, generators will no longer be required to include ‘redundant’ characteristic codes (D-codes) as part of the site’s waste ID records . . . provided that the listed waste code addresses the constituents and/or properties that cause the waste to exhibit the characteristic. Otherwise, the waste codes must be identified for all applicable listings and characteristics. . . Unless EPA receives adverse comments on these revisions and corrections, the direct final rule will take effect on December 7, 2023.” Read the full article [here](#). (Lion Technology, Inc., 8/21/2023.)

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Short Video Reviewing “RCRA Empty” Definitions – Just to emphasize, this video is just a review of the existing regulations; not a change. “Hazmat shipping regulations don't apply to empty packages. when a hazmat package is really empty, though, is not as easy as it might seem. Check out this five-minute [video](#) crash course to find out what "empty" means for the purpose of compliance with US DOT requirements. Understanding this will help you avoid violations for shipping hazmat in packages or containers you thought were empty.” (Lion Technology, Inc., Roger Marks, 8/25/2023.)

EPA Proposes to Improve Air Pollution Emissions Data – “[T]he U.S. Environmental Protection Agency (EPA) announced proposed updates to the Agency’s Air Emissions Reporting Requirements rule, including proposing to require reporting of hazardous air pollutants [HAPS], or ‘air toxics.’ Air toxics are known or suspected to cause cancer and other serious health effects. The proposed updates would ensure that EPA has readily available data to identify places where people are exposed to harmful air pollution and to develop solutions, aligning with the Biden-Harris Administration’s commitment to advancing environmental justice. The proposal would revise the Air Emissions Reporting Requirements rule, which currently requires states to report emissions of common air pollutants, such as particulate matter, along with pollutants that contribute to their formation, such as ozone-forming volatile organic compounds (VOCs). While most states voluntarily report some air toxics emissions data to EPA now, that reporting is not consistent nationwide.” Read the full news release [here](#). (epa.gov, 7/25/2023.)

EPA Releases 2022 Preliminary TRI Dataset – “The 2022 Toxics Release Inventory (TRI) preliminary dataset contains data about chemical releases, waste management and pollution prevention activities that took place during calendar year 2022 at more than 20,000 federal and industrial facilities across the country. The TRI preliminary dataset is available each July through September, giving the public access to the most recent TRI information, prior to EPA finalizing the National Analysis dataset in October. EPA publishes the National Analysis report, based on the October dataset, early the following calendar year.” Read the full article and access the dataset [here](#). (epa.gov, 8/16/2023.)

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Send your suggestions and comments to ehs@pinechemicals.org