

Regulatory Updates
Compiled for the Pine Chemicals Association
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UPCOMING CONFERENCES

- PCA Spring Meeting, 5/14-16/2024, Palm Beach Gardens FL**
- NSC Spring Safety Conference and Expo, 5/14-16/2024, Rosemont IL
- ASSP Safety Conference and Expo, 8/7-9/2024, Denver CO
- NSC Fall Safety Conference and Expo, 9/13-19/2024, Orlando FL
- PCA 2024 International Conference, Fall 2024, dates TBD, Helsinki, Finland

SAFETY

OSHA Officially Published Its Proposed Emergency Response Rule – I reported last month about this proposed rule. Here’s an update. “OSHA’s proposed Emergency Response rule for emergency and related responders was officially [published in the Federal Register today](#) [February 5, 2024]. Unless OSHA grants a request for an extension of the comment period, stakeholders’ written comments to the NPRM will be due in 90-days – by May 6, 2024. Here is more [concerning aspects.](#)” Read the full article [here](#). (OSHA Defense Report, Eric J. Conn and Beeta B. Lashkari, 2/5/2024.)

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ENVIRONMENT

EPA Sets Stricter National Ambient Air Quality Standards for Particulate Matter -

“On February 7, 2024, the U.S. Environmental Protection Agency issued a [final rule](#) under the Clean Air Act lowering the primary (health-based) annual National Ambient Air Quality Standard (NAAQS) for fine particulate matter 2.5 micrometers in diameter or smaller (PM2.5) from 12 to 9 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). EPA asserts that the stricter standard is based on scientific evidence showing that the current PM2.5 standard ($12 \mu\text{g}/\text{m}^3$), which was established in 2012 and retained in 2020, does not sufficiently protect human health. According to EPA, based on air monitoring data from 2020-22, 119 counties would not meet the new standard of $9 \mu\text{g}/\text{m}^3$. . .

The new rule does not change any other air quality standards for particulate matter (i.e., the primary 24-hour PM2.5 standard or PM10 (coarse particulate matter) standard or the secondary PM2.5 and PM10 standards). The new standard will become effective 60 days after the final rule publishes in the *Federal Register*. Then EPA will make designations of areas in attainment and nonattainment (which will be subject to public comment) within the next two years.

- Areas designated in attainment must update Prevention of Significant Deterioration stationary source permitting requirements to ensure maintenance of the new standard.
- Areas that fail to meet the new PM2.5 NAAQS of $9 \mu\text{g}/\text{m}^3$ are initially classified as being in “moderate” nonattainment.
- Following final designations, nonattainment areas must impose Nonattainment New Source Review permitting requirements for construction of major stationary sources. States with moderate nonattainment areas are required to adopt and submit State Implementation Plans (“SIPs”) within 18 months of the nonattainment designations showing how they will meet the revised standard. These new designations may require sources to purchase costly offsets that may be difficult to obtain.

States will have six years to achieve the new NAAQS. After that, if a state has not achieved attainment, the state’s nonattainment status will be downgraded from “moderate” to “serious.” Under certain circumstances, states that cannot meet the 2032 deadline may qualify for up to two one-year extensions” (Lexology, Sidley Austin LLP - Samuel B. Boxerman, et al, 2/27/2024.)

Oil Pollution Act: Tips for Spill Response, Compliance, and Enforcement – The [linked article](#) presents a good summary of oil regulations that affect our industry. Please note that tall oil and some of its derivatives are oils under the definition in the standard. (Lexology, Beveridge & Diamond PC - Stephen P. Smith and Allyn L. Stern, 2/13/2024.)

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Send your suggestions and comments to ehs@pinechemicals.org