Fall 2018 Regulatory Agendas Set by EPA and OSHA

Twice a year each of the President’s cabinets and executive agencies submits a regulatory agenda for the upcoming months. It’s a list of priorities and which regulatory areas they intend to focus on. The following items were listed as priorities in EPA’s agenda and in the OSHA portion of the Department of Labor’s agenda.

**EPA – Air Quality**

* **New Source Review and Title V Permitting** – EPA hopes to simplify the New Source Review process (preconstruction air permits). There are two memos EPA wants to make law. The first is EPA won’t second guess preconstruction analysis that complies with procedural requirements. The other is the rescinding of the “once in always in” rule. A rule change will allow companies who are major sources to become area sources if their potential to emit falls below thresholds, reducing regulatory requirements.
* **Electric Utility Greenhouse Gas Rules** – Recently EPA proposed a new rule for greenhouse gas emissions called the [Affordable Clean Energy Rule](https://isienvironmental.com/index.php/ace-rule-blog/). They will continue to look at this alternative approach to the Clean Power Plan Rule.
* **Oil and Gas New Source Performance Standards** – EPA has been reviewing the rule including regulation of greenhouse gases through emissions limits on methane. A proposal for public comment will be issued.
* **Safer Affordable Fuel-Efficient Vehicles Rule** – EPA will hold public hearings on their August 2018 proposal to amend and establish new Corporate Average Fuel Economy and greenhouse gas emissions standards for passenger cars and light trucks for model years 2021-2026.

**EPA – Water Quality**

* **National Primary Drinking Water Regulations for Lead and Copper and Perchlorate** – EPA will be looking at the lead and copper drinking water rule in order to clarify, reduce complexity, modernize and strengthen it to make it more effective and enforceable. They will also be working on drafting a regulation for regulating perchlorate in drinking water.
* **Peak Flows Management** – EPA will be updating permitting regulations for publicly owned treatment works that have separate sanitary sewer systems to deal with the excess wastewater collection that comes with wet weather.
* **“Waters of the U.S.”** – EPA will be working on step 2 in the redefining of the term [waters of the United States](https://isienvironmental.com/index.php/blog-epa-revises-clean-water-rule/) with a reevaluation of the definition, including redefining the term “navigable waters”.
* **Clean Water Act Section 404(c)** – EPA will update the regulations concerning its authority in the permitting of dredged and fill material discharges. In reducing its power to veto a permit for any reason, it hopes to help increase predictability and certainty for the U.S. Army Corps of Engineers, landowners, investors, and businesses.
* **Steam Electric Power Generating Point Sources** – EPA will publish a notice of proposed rulemaking for reconsideration of the Steam Electric Effluent Limitations Guidelines rule.

**EPA – Waste and Land Contamination**

* **Per- and Polyfluoroalkyl Substances** – The use of these chemicals have been prevalent in a wide variety of items such as fire-fighting foam. EPA is set to designate them as hazardous substances and is yet to determine which mechanism to use whether it be CERCLA or the Clean Water Act.
* **Accidental Release Prevention Regulations Under Clean Air Act** – EPA has proposed changes to the Risk Management Plan rule to better coordinate with OSHA and DOT rules, lessen security concerns of sharing information with local emergency planning and response organizations and ease the economic burden caused by some provisions. In the next few months, public comment will be solicited on rule changes.
* **Disposal of Coal Combustion Residues from Electric Utilities** – EPA is planning to modify the final rule on disposal of coal combustion residual (CCR) as solid waste and will be amending certain performance standards to give additional flexibility to states.

**EPA – Chemical Safety**

* **TSCA Amendments** – 2016 TSCA amendments require EPA to evaluate existing chemicals for health risks to vulnerable groups and workers who daily use them. This action will be funded by user fees from chemical manufacturers and processors when they submit test data for EPA review, manufacture or use a new chemical, or process one subject to risk evaluation. These fees will go into effect in 2019. Also, EPA is on a deadline to do risk evaluations and issue any new proposed rules for persistent, bioaccumulative and toxic (PBT) chemicals by June 2019.
* **Lead Dust Hazards** – EPA has proposed strengthening lead hazard standards on dust from floors and window sills in child-occupied facilities. Final action will be June 2019.
* **Pesticide Safety** – EPA is considering changes to Certification of Pesticide Applicators regulations from 2017 and agricultural Worker Protection Standard regulations from 2015.

**OSHA**

* **Electronic Reporting** – After requiring certain employers to submit OSHA recordkeeping information to a website which would provide publically available data, OSHA realized it couldn’t guarantee that personally identifiable information from the 300 and 301 logs wouldn’t be published. Thus, OSHA is proposing to change the Improved Tracking of Workplace Injuries and Illnesses Rule to just include the OSHA 300A summary data.
* **Beryllium** – After revising the beryllium standard, OSHA realized exposure in shipyards and construction was limited to a few operations so some of the provisions required within the standard wouldn’t improve worker protection and could be redundant with other standards. OSHA will be working to revise the rule.
* **Standards Improvement Project (SIP)** – OSHA will be working on Phase IV of their SIP. SIPs are used by OSHA to fix standards to correct errors, update technical references, account for new technologies and practices, delete duplicate information and fix inconsistent information. SIPs can affect one or a number of standards. For example, items for SIP IV include removing the requirement to put social security numbers on records and allowing for storing digital copies of x-rays rather than on film only.

Want more details? Read the full regulatory agenda for [EPA here](https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201810/Statement_2000.html) and for [OSHA here](https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201810/Statement_1200.html).

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