

SHERA - ASTM E34.50 Standards

- ▶ Importance?
 - ▶ Largest consensus standard setting organization
- ▶ Areas of Interest - Manufacturing Members
 - ▶ Committee D02 - Petroleum Products
 - ▶ Committee E34 - Occupational Health & Safety
 - ▶ Committee E37 - Thermal Measurements
- ▶ Engage: retirements have resulted in less industry participation - what can you do?

OSHA Powered Trucks Information Request

Current Rule

- Rule based on older standards
- Covers 11 types of Industrial Trucks
- Rule has not been updated since 1998

Request for Information

- Submissions accepted until June 10, 2019
- Information on 8 truck types not listed in OSHA Rule
- Maintenance and Training
- Powered truck incidents and injuries
- Adopting consensus standards
- Economic and compliance impact

**Engage: Should ILMA submit
comments? Key issues for
members with Industrial
Trucks?**

Link to Request for Information:

<https://www.federalregister.gov/documents/2019/03/11/2019-04338/powered-industrial-trucks-request-for-information>

Electronic Injury/Illness Reporting Rule

- ▶ Jan. 25, 2019: OSHA revises “Improve Tracking of Workplace Injuries and Illnesses” Rule
- ▶ Covered employers required to submit electronically to OSHA Form 300A summary
 - ▶ Annual reporting by March 2
 - ▶ Include EIN for 2019 submission due by March 2, 2020
- ▶ OSHA to publish submitted data on public website
- ▶ Still prohibits employers from retaliating against employees that report injuries and illnesses

Electronic Injury/Illness Reporting Rule

- ▶ Compliance - Covered Employers
 - ▶ Establishments with 250 or more employees at any time during year in covered industries
 - ▶ Establishments with 20-249 employees in covered “high hazard” industries
 - ▶ Includes manufacturing (NAICS 31-33)
- ▶ Submit Form 300A through Injury Tracking Application (ITA)
 - ▶ Create account
 - ▶ Can upload form or create manually
 - ▶ Can be submitted by third party, but employer responsible for accuracy
- ▶ State Plan Adoption

Department of Labor's Proposed Overtime Rule

2019

Summary of Changes

- Rescinds 2016 Final Rule
- Increase “standard salary”
- Increase total compensation for “Highly Compensated Employees”
- Incentive payments/bonuses can be used for salary
- Change timeframe for nondiscretionary payments

Overturms 2016 Final Rule

- Never took effect
- Increased standard salary to \$47,476
- Automatic adjustments of standard salary
- HCE threshold increased to \$134,004

New Proposed Rule

- New standard salary - \$35,308 (\$679/week)
- Up to 10% can be bonuses/incentives
- At least annually
- New total for HCE - \$147,414
- No automatic recalculation

Timeline

- Comments are due by May 21, 2019
- Final rule is expected before 2020

Engage

Waters of the US Update

Proposed Rule Changes

- Comments open until April 15, 2019
- Designed to clarify & streamline rule application
- Government has burden to prove jurisdiction
- No “significant nexus” test
- Surface connection to covered waters required
- No “ephemeral” waters covered
- New exclusions

Tributary & Wetlands Changes

New “Wetlands” Definition:

- Abutting or direct surface connection to covered waters; and
- Inundation, perennial, or intermittent flow in a typical year

Tributaries:

- Eliminates “ephemeral” waterways
- Only covered if they contribute flow in a typical year

Exclusions

The proposed rule adds a number of exclusions:

- Storm water control
- Wastewater recycling structures
- Artificial lakes and ponds

Engage: How big an issue is WOTUS?

Link to Federal Register:

https://www.epa.gov/sites/production/files/2019-02/documents/revised_definition_of_waters_of_the_united_states.pdf

SPCC-Hazardous Substances Rulemaking

- ▶ EPA has not finalized proposal to rely on existing authorities other than SPCC
- ▶ Environmental groups filed pre-emptive lawsuits based on court-approved, sue-and-settle consent agreement
- ▶ Engage: Does SPCC remain significant compliance issue?

Chemical Safety Board

- ▶ A federal trial court Feb. 4 ordered CSB to issue accidental release-reporting regulations within 12 months
- ▶ If issued, the rule would create new legal obligations for companies to notify the CSB of accidental release if they meet the Agency's criteria
- ▶ CSB initially said it would comply with court's order; now wants to take appeal
- ▶ Engage: Effects on ILMA members' operations

Transportation/Logistics

- ▶ Trucking issues remain
- ▶ Possible amendments to Hours-of-Service regulations
- ▶ Spread of Precision Railroading and fees
- ▶ Engage: how can ILMA help?

2019 ILMA ENGAGE MEETING

SHERA Committee

2019 Update

James Eggenschwiler

K-REACH



- ▶ All Existing Chemicals (Pre)Registration
- ▶ PEC Chemicals Registration Update

(Pre)Registration of Existing Chemicals

All KECI listed substances $\geq 1\text{t/y}$ must be (pre)registered.

1. **Exception:** PEC's registered in 2018.
2. Preregistration Window = **January 1 to June 30, 2019.**
3. **No Preregistration = No Market $\geq 1\text{t/y}$ until registered.**
(No "late" preregistration" and no "3-year rolling avg".)
4. Supply Chain Specific
5. Tonnage band sequencing = **If in doubt, preregister!**
 - $\geq 1,000\text{t/y}$ and CMR substances $\geq 1\text{t/y}$: 31 Dec 2021;
 - 100-1000t/y: 31 Dec 2024;
 - 1-100t/y: 31 Dec 2030
6. OR Appointment Letter required - pre-May 1st submittal is recommended.

2019 PEC Chemicals Update

- Approx. 80 - 230 PECs Not Registered
- Approx. 280± Submitted Registrations by June 30 Deadline
- Balance of 510 PECs Unregistered = Market Ineligible
- All Missing Joint Registrations = Market Ineligible Supply
- **Not Eligible for Existing Substance Registration** (must be submitted as Late PEC Registration - Penalty Status)

SHERA - Chemical Management/ Inventories - TSCA

- ▶ Importance: violations - fines \$25,000/day per violation
- ▶ TSCA Active/Inactive Inventory published Feb, 2019
 - ▶ <https://www.epa.gov/tsca-inventory/how-access-tsca-inventory>
 - ▶ Be sure **EVERYTHING** you use is on the Active Inventory!!!

67701-15-9	67701159	Fatty acids, C18-unsatd., dimers, compds. with 2-amino-2-methyl-1-propanol	UVCB	ACTIVE
67701-16-0	67701160	Fatty acids, C18-unsatd., dimers, compds. with isopropanolamine	UVCB	INACTIVE

- ▶ TSCA User Fee Rules: <https://www.epa.gov/tsca-fees/tsca-administration-fees-structure#feestable>

SHERA - GHS: HCS 2012 and WHMIS 2015 Updates

- ▶ Importance: HCS 2012 update - *every member affected!*
- ▶ HCS 2012 New Proposed Rule Making (NPRM) - soon! (was expected March, 2019)
 - ▶ HCS 2012 based on “Purple Book” rev. 3: update to rev. 7 (maybe rev. 8?). Changes to precautionary phrases, aerosol classifications, small package labeling

<http://www.unece.org/trans/main/dgdb/dgcomm/ac10rep.html>

- ▶ Except for products “not classified,” expect to review for changes every classified product you manufacture

SHERA - GHS: HCS 2012 and WHMIS 2015 Updates

- ▶ NAICS 324191, Petroleum Lubricating Oil & Grease: 329 affected establishments, 5,426 employees to be trained, 559,300 SDS produced (Fed Reg. 77 (58), 03/26/12, p. 17615)
- ▶ US-Canada Regulatory Cooperation Council (<https://www.trade.gov/RCC/>)
- ▶ Health Canada: not expected to propose WHMIS 2015 updates until after OSHA acts (WHMIS 2015 based on rev. 3)
- ▶ Engage: How does this affect you? Should ILMA prepare/submit comments?

SHERA: Prop 65 - Clear & Reasonable Warnings

- ▶ Importance: if you do business in CA....
- ▶ Effective, August 30, 2018

<https://oehha.ca.gov/proposition-65>

- ▶ Violations (<https://oag.ca.gov/prop65/60-day-notice-search>)
- Number of 60-day Notices Filed

