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:

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
Overturns 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
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:
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](https://www.epa.gov/tsca-inventory/how-access-tsca-inventory)
- Be sure EVERYTHING you use is on the Active Inventory!!

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- TSCA User Fee Rules: [https://www.epa.gov/tsca-fees/tsca-administration-fees-structure#feetable](https://www.epa.gov/tsca-fees/tsca-administration-fees-structure#feetable)
- Discussion
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
  - 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)


- 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

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