SHERA - ASTM 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
Tractor Hydraulic Fluids (D02, Subcommittee N)
SHERA - Updates

- PCMO’s (D02, Subcommittee B.0) - Revisions of D4485-2018A, Specifications for Performance of Active API Service Category Engine Oils

Revision Of D4485-2018A Specification for Performance of Active API Service Category Engine Oils

Info letter 19-2 Sequence No. 2 (SEE VOLUME 05.02) (CONCURRENT WITH .B000)

TECHNICAL CONTACT: Frank M Farber
fmf@astmtmc.cmu.edu
(412) 365-1030
Subcommittee E34.50 - General Update
- Subcommittee Ballot closed 09/20/19
- Next meeting: October 21st, 2019; Houston, TX

Committee D02, Subcommittee L.1: draft Test Method for Comparison of Metalworking Fluids Using a Tapping Torque Test Machine, WK 59484

Committee E37, Thermal Measurements: next meeting, April 2, 2020 (coincides with ILMA engage)

Discussion: Are you and/or your company involved?
Department of Labor Overtime Salary Cap Rule

- Labor announced a rule raising minimum salary for overtime to $35,308
  - Currently at $23,660
- Estimated that more than a million American workers will now be eligible
- Commitment to period review and update of salary requiring public comment period (not automatic)
- Middling ground between existing and invalidated Obama-era Overtime Rule ($47,000 cap with automatic readjustment)
DOL Overtime Rule Details

- No changes to job duties test
  - Exemption from overtime based on nature of work (Executive/professional/administrative)
- Employers may use bonuses or incentives (e.g. commissions) to satisfy up to 10% of standard salary level if incentives are at least annual
  - Example: Salesperson making $32,500 salary plus commission up to 10% ($3250) = $35,750, no overtime eligibility
- Lawsuit possible from unions as a “weakening of Obama rule”
Waters of the U.S. (WOTUS) Update

- EPA repealed 2015 WOTUS rule on 9/12/19
- Repealing the rule aims to eliminate the “patchwork” of states using different rules
  - Now all states will use the 2006 “Significant Nexus” test to determine federal jurisdiction, and apply pre-2015 regulations
- Next step is a “Replacement Rule” to clarify and streamline WOTUS jurisdiction (expected later 2019, early 2020)
- Confident that it will be challenged, and could maintain patchwork if enjoined
Three classes of “Jurisdictional Determinations” (JDs) to figure out who enforces regulations over a body of water:

- Future JDs - Significant Nexus/ Pre-2015 Regulatory Text
- Pending JDs - Significant Nexus/ Pre-2015 Regulatory Text
- Past JDs - Typically valid for 5 years from issuance. Party subject to JD has to ask the Army Corps of Engineers to re-evaluate before expiration. No guarantee
  - Example - Federal jurisdiction over “ephemeral streams” could be repealed if it fails significant nexus test
Chemical Safety Board

- Agency operates much like NTSB, but for chemical-related accidents
- February 4, 2019 DC court decision requires CSB to promulgate final rule by February 1, 2020 for facilities to report chemical releases to the Agency (Air Alliance Houston v. CSB)
  
  ▶ CSB appealed decision to D.C. Court of Appeals
  ▶ Agency withdrew appeal earlier in August
  
  ▶ Proposed rule expected in October
  ▶ Proposal bears watching on reporting threshold
Federal Motor Carrier Safety Administration (FMCSA) has proposed amendments to Hours-of-Service (HOS) regulations.

- Intended to give greater flexibility to short-haul and long-haul drivers.
- Flexibility in five areas that would allow drivers to shift their work and drive time to accommodate traffic and weather conditions, as well as down time while trucks are being loaded/unloaded.

Comment period closes on **October 7, 2019**
Proposed changes:

- Lengthening the maximum on-duty period for short-haul drivers from 12 to 14 hours and extending the distance limit for short-haul drivers from 100 miles to 150 miles.

- Extending the on-duty period by up to 2 hours for long-haul drivers who spend part of their driving time in adverse weather conditions such as fog, sleet, or snow.

- Requiring a 30-minute break for long-haul drivers only if the driver has driven for 8 hours without at least a 30-minute non-driving interruption.

- Allowing the 30-minute break requirement to be satisfied with either 30 minutes off-duty in a sleeper berth or on-duty but not driving.
Transportation - HOS

Proposed changes (cont.)

- Allowing long-haul drivers to take their 10-hour off-duty sleeper berth requirement in two periods—one off-duty period of at least 2 hours in or out of the sleeper berth and one period of at least 7 hours spent in the sleeper berth—and neither period would count against the maximum 14-hour driving window.

- Allowing long-haul drivers to take an off-duty break of at least 30 minutes but no longer than 3 hours and then extend their 14-hour driving window by the length of that break, provided drivers take at least 10 hours off duty at the end of the shift.

- Short-haul drivers are exempt from the 30-minute break and 10-hour off-duty requirements.
Final Offer Rate Review
- Surface Transportation Board proposes a new procedure for challenging the reasonableness of rail rates in “smaller” cases (with rate relief capped at $4 million, indexed to inflation)
- Under this procedure, the Board would decide a case by selecting either the complainant’s or the defendant’s final offer, subject to an expedited procedural schedule that adheres to firm deadlines.

Market Dominance Streamlined Approach
- STB proposes a streamlined approach for pleading market dominance in rate reasonableness proceedings

Hearing on Revenue Adequacy
- STB will hold a public hearing on December 12 on revenue adequacy issues raised in the Rate Reform Task Force report
- The Board will seek comments on: Definition of “long-term revenue adequacy;” the “rate increase constraint” to limit differential pricing; changes to bottleneck protections; and, changes to simplified rate case review
SHERA - K-REACH Update

- Late Preregistrations
  - Still being accepted for substances <1t/y

- Registrations for 1000+ t/y and all CMR substances (any volume) due December 31, 2021.
SHERA - K-BPR Update

- Late Pre-Notification process is being considered. First step is letter to MOE requesting.
- OR structure is also under consideration. No anticipated date has been suggested.
- Note: Pre-notification is importer specific, not supply chain specific.
SHERA - EU REACH Update

- Poison Center Notifications
  - New version of the Portal (v1.1) is now available
  - Updated guidance on harmonized emergency health response is available
  - Deadline changed to 1 January 2021.

- Member State Enforcement is growing.
## SHERA - TSCA Update

- **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!!!**

| 67701-15-9 | Fatty acids, C18-unsatd., dimers, compds. with 2-amino-2-methyl-1- | UVCB | ACTIVE |
| 67701-16-0 | propanol |  | |
| 67701159propanol |  |  | |
| 6770160Fatty acids, C18-unsatd., dimers, compds. with isopropanolamine | UVCB | INACTIVE |

- **TSCA “Transparency:” TSCA; Toxic Release Inventory (TRI)**
News Releases

News Releases from Headquarters > Chemical Safety and Pollution Prevention (OCSPP)

EPA Announces Updated Chemical Review Tool

Agency takes unprecedented step to make additional information about the status of chemical reviews available to the public

08/01/2019

Contact Information:

(press@epa.gov)

WASHINGTON (August 1, 2019) — Today, the U.S. Environmental Protection Agency (EPA) is continuing its commitment to transparency by making additional information about new chemical notices available to the public on the agency’s website. Visitors to the updated chemical
Reviewing New Chemicals under the Toxic Substances Control Act (TSCA)

Statistics for the New Chemicals Review Program under TSCA

The Frank R. Launtenberg Chemical Safety for the 21 Century Act, signed into law on June 22, 2016, was the first substantive reform to TSCA. The law requires EPA to make an affirmative determination on whether a new chemical substance presents an unreasonable risk to human health or the environment under known, intended or reasonably foreseen conditions of use. This page contains information for chemical notices and regulatory actions before and after the date of enactment.

Statistics under Amended TSCA

Since the law’s passage, EPA has completed determinations on 2,314 new chemical cases*. Details on the Agency’s determinations are displayed in the tables below.

EPA will continue to add new content on a regular basis to provide more transparency to the review process for all stakeholders and to allow submitters to readily determine the disposition of their cases. EPA is committed to working with PMN submitters to provide more certainty in the review process and to complete the chemical review process.

*Includes PMN/SNUN/MCAN cases, exemption cases, and withdrawals.

- Statistics from June 22, 2016 – August 27, 2019
- PMN/MCAN/SNUN Reviews Completed
- Notices of Commencement (NOCs) to Manufacture

Reviewing New Chemicals under the Toxic Substances Control Act (TSCA)

Premanufacture Notices (PMNs) and Significant New Use Notices (SNUNs) Table

These search results display the interim status and final determinations for TSCA section 5 PMN and SNUN submissions. The interim status reflects staff-level recommendations made after EPA's initial risk assessment during the Focus meeting. Following the Focus meeting, EPA advises the submitter of the case interim status and any risk concerns. EPA often engages in a dialogue with the submitter about the scientific basis for the recommendation. Submitters often choose to provide subsequent information about the chemical substance, offer to conduct testing, or amend their notice to address EPA concerns. As a result of this EPA-submitter dialogue and submitter actions to address identified risks or provide information that leads EPA to revise its initial risk determination, final risk determinations can differ from the interim recommendation.

Please note: Links to consent orders are generally available within two weeks of the order's effective date.

- View the legend of status abbreviations and definitions contained in the table below.
- View the table with determinations relating to Microbial Commercial Activity Notices (MCAN).
- View the table with exemption decisions for low volume (LVE), low environmental release and low human exposure (LoREX), or test marketing (TMEA) exemption applications or modification notices.

Download the Table in PDF format. Updated: 08/29/19

https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/premanufacture-notices-pmns-and
**Reviewing New Chemicals under the Toxic Substances Control Act (TSCA)**

**Active New Chemical Cases Awaiting Submitter Signature on Order**

These search results display the subset of active new chemical cases currently in the regulatory decision and action development stage of the review process, but that have been awaiting submittor signature on a consent order for more than 14 days.

- Return to active cases flowchart.
- View the total status of cases reviewed under Section 3 of TSCA.

### 10 Total Cases

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Status</th>
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<td>SN-17-0014</td>
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Showing 1 to 10 of 10 entries

Contact us to ask a question, provide feedback, or report a problem.
### TRI Facility Report

**Facility Information**

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<th>Facility Name</th>
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<td>ERIE</td>
<td>STEVEN T MCCORMICK</td>
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<td>124 Petroleum</td>
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<table>
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</table>

Information is for the most recent reporting year.

### Other Regulatory Data

In addition to TRI, this facility reports to the programs listed below. The table below reflects regulatory data contained within Envirofacts and may not reflect all other EPA regulatory data:

<table>
<thead>
<tr>
<th>Statute/Program</th>
<th>Universe</th>
<th>Media</th>
<th>Identifier</th>
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<tbody>
<tr>
<td>Resource Conservation and Recovery Act (RCRA)</td>
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</table>

### Compliance Information

Compliance data below provided by ECHO.

#### 12-Quarter Violation History

- [Graph showing compliance data]

This facility reported violations in the following quarters:

- Quarter 2
- Quarter 3
- Quarter 4

The facility has met all reporting requirements.
Question: do you know how your facility “appears” to your neighbors?
Discussion: how can ILMA assist you?
PFAS

- Defense Authorization Bill (must-pass appropriations bill)
  - Require EPA to list PFAS chemicals as “hazardous substances” under the federal Superfund law within one year
  - Require EPA to revise the list of toxic pollutants under the Federal Water Pollution Control Act - commonly known as the Clean Water Act - to include PFAS and publish effluent and pretreatment standards
  - Phase out the use of PFAS in aqueous film forming foam (AFFF) as quickly as possible
- Congress unhappy with pace of EPA regulatory action
EPA issued PFAS Action Plan on Feb. 14, 2019

The Action Plan does not actually make any determinations or propose or set any new regulatory standards

Instead, it provides a preview of the next several years’ worth of federal investigation into, and regulation of PFAS/PFOA

The Action Plan focuses on initiatives in four areas: groundwater, drinking water, human health risks, and chemical and consumer product regulation
PFAS

- Patchwork of State regulation
  - Guidance
  - Notification
  - Clean-up standards for drinking water (most <70 ppt)

- PFAS risks and strategies for businesses
  - Acquisition due diligence
  - Possible remediation of legacy PFAS contamination
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, now December, 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)
SHERA - GHS: HCS 2012 and WHMIS 2015 Updates

- US-Canada Regulatory Cooperation Council (https://www.trade.gov/RCC/) - July updates: Joint OSHA/Health Canada Guidance on:
  - Regulatory Processes
  - Comparison of Labelling Requirements for Hazardous Products
  - Labelling for Hazards Not Otherwise Classified
Hazard Communication

The standard that gave workers the right to know, now gives them the right to understand.

The Hazard Communication Standard (HCS) is now aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). This update to the Hazard Communication Standard (HCS) will provide a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets. This update will also help reduce trade barriers and result in productivity improvements for American businesses that regularly handle, store, and use hazardous chemicals while providing cost savings for American businesses that periodically update safety data sheets and labels for chemicals covered under the hazard communication standard.

Hazard Communication Standard

In order to ensure chemical safety in the workplace, information about the identities and hazards of the chemicals must be available and understandable to workers. OSHA's Hazard Communication Standard (HCS) requires the development of safety data sheets and labels for hazardous chemicals, and training for workers to understand the information provided. The standard covers both workplace hazards and consumer products.
Summary: Joint Health Canada and United States Occupational Safety and Health Administration Guidance

From Health Canada

Overview

This guidance is intended to communicate information related to both Canada and the United States (U.S.) labelling requirements for hazardous products under the Canadian Hazardous Products Regulations (HPR) and the U.S. Hazard Communication Standard (HCS) 2012.

Who this guide is for

- Industries who sell or import hazardous chemicals

Related acts and regulations

- Hazardous Products Act
- Hazardous Products Regulations

SHERA - GHS: HCS 2012 and WHMIS 2015 Updates

UN GHS Subcommittee meeting scheduled for December 11-13, 2019, Geneva, Switzerland
https://www.unece.org/trans/danger/meetings.html#

Discussion: How does this affect you?
Actions needed, if any?
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
- Updated list published 09/13/19
- Co and Co compounds: draft Cancer Inhalation Unit Risk Factors, 09/04/19
- Violations (https://oag.ca.gov/prop65/60-day-notice-search)
  1070 notices from 04/01/19 - 08/31/19
Cobalt and Cobalt Compounds Cancer Inhalation Unit Risk Factor (IUR) Document - Scientific Review Panel on Toxics Air Contaminants (SRP) Review Draft

Sep 4, 2019

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document summarizing the carcinogenicity and derivation of cancer inhalation unit risk factors (IURs) for cobalt and cobalt compounds. IURs are used to estimate lifetime cancer risks associated with inhalation exposure to a carcinogen. This document will be reviewed and discussed by the Scientific Review Panel on Toxic Air Contaminants (SRP) at its meeting on October 4, 2019 in Sacramento, CA.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this statutory requirement, OEHHA develops IURs for many air pollutants. The IURs were developed using the most recent “Air Toxics Hot Spots Program Technical Support Document for Cancer Potency Factors,” finalized by OEHHA in 2009.

A draft of the cobalt and cobalt compounds IUR document was released for a 60-day public review and comment period on March 8, 2019. Three sets of comments were received. Those comments and OEHHA’s responses to those comments are also available at this time. The cobalt and cobalt compounds IUR document was revised in response to those comments.

The values proposed are as follows:

- Cobalt metal and water-insoluble cobalt compounds
  - Inhalation Unit Risk Factor: $8.0 \times 10^{-3} \text{ (µg/m}^3\text{)}^{-1}$

- Water-soluble cobalt compounds (normalized to cobalt content)
  - Inhalation Unit Risk Factor: $8.6 \times 10^{-4} \text{ (µg/m}^3\text{)}^{-1}$

We are not seeking further comments from the public on the draft document.

Please direct any inquiries concerning technical matters or availability of the documents to:

NY Cleaner Ingredients Disclosure

- New York court invalidated NY program on August 27, 2019
- Significant victory for industry
- Held Disclosure Program was established in violation of State Administrative Procedures Act and the NY State Constitution
  - NYDEC had argued that its program was “guidance” and not a “rule”
  - Court rebuked agency for abuse of process
- NYDEC can appeal decision or seek legislative endorsement of HCPIDP
January 2019 - Governor Cuomo’s budget proposal
- Included language granting sweeping authority to NYDEC commissioner
- Online Ingredient Reporting
- Ingredient Reporting to DEC
- Labeling - On “consumer products”
- Large coalition worked to remove language from the budget
California SB 258

Who must disclose?

Manufacturer of Designated Product Sold in California

Person or entity who manufacturers the designated products and whose name appears on the product label

OR a person or entity who the product is manufactured for or distributed by, as identified on the product pursuant to the federal Fair Packaging and Labeling Act.
California SB 258 - What Products Must Be Disclosed

- Chemically Formulated Consumer Product sold in California
  - Household
  - Institutional
  - Commercial
  - Concentrates
  - Ready to use
  - NOT industrial use

- Designated Products
  - Air care products
  - Automotive products
  - General cleaning products
  - Polish or floor maintenance products
  - Used primarily for janitorial, domestic, or institutional cleaning purposes
Lists are 23 authoritative lists, individually codified and largely inclusive of those on the California Department of Toxic substances Control Safer Consumer Products Candidate Chemicals list.

The lists are not static - subsequent revisions to these lists are incorporated into SB 258.
California SB 258 - When to Disclose

- January 1, 2020: Online disclosure requirements trigger
- January 1, 2021: On-label disclosure requirements trigger
- January 1, 2023: Intentionally added Prop. 65 ingredients must be listed on-label and online
California SB 258 - Disclosure Online

- All intentionally added ingredients, listed in order of predominance by weight, except ingredients present at a weight below one percent may be listed in any order.
- A list of all nonfunctional constituents present in a product at a concentration at or above 0.01 percent (100 ppm).
- 1,4 dioxane must be disclosed at 0.001 percent (10 ppm).
California SB 258 - On-Label Disclosure

Option 1
- List each intentionally added ingredient that is included on a designated list
- List each fragrance allergen present at or above 0.01 percent (100 ppm)

Option 2
- List all intentionally added ingredients in a product
- Include a predetermined statement the product contain fragrance allergens
Federal Labeling Language

- Coalition headed by Grocery Manufacturers Association exploring federal legislation
  - Mirrors California SB 258, but with notable details
  - Empowers FTC with regulatory authority
  - No citation to hazard lists
  - Only in product scope of California SB 258
  - Preemption over all states, except California
- Congress not likely to address before 2020 elections
Scope of GA&TC and SHERA Committee

Should Global Affairs & Trade Committee focus on international regulatory and transactional issues, and SHERA on the chemical/EHS/product stewardship aspects?

*Comments and Suggestions?*
Any New Business?
Committee Elections - Secretary

Joe Leistikow (US Lubricants)

Joe Leistikow is a Technical Manager for US Lubricants. He has worked in the industry for 13 years, focused on various aspects of chemistry. Joe started as a production chemist for a specialty chemical company then eventually moving into project management focusing on commercializing research compounds. For the past 5 years the focus of chemistry changed from specialty to industrial, first managing fluids at OEM facility and finally to finished fluid formulation. He received a degree in Chemistry from Ripon College, Class of 2007. Currently MLT and MLA certified and formulating water dilutable/straight oil product lines serving the PCMO, Commercial, and Industrial customer segments.