

Veolia North America - Industrial Business Regulatory Update - November 2019

ENVIRONMENTAL UPDATES

- A. [EPA Fall 2019 Unified Agenda and Regulatory Plan](#)
- B. [EPA Bans All Retail Distribution of Methylene Chloride to Consumers for Paint and Coating Removal](#)

TRANSPORTATION UPDATES

- C. [Hazardous Materials: Unapproved Foreign-Made DOT Cylinders; Safety Advisory Notice](#)
- D. [DOT FMCSA and PHMSA Fall 2019 Unified Agenda and Regulatory Plan](#)

HEALTH & SAFETY UPDATES

- E. [OSHA Fall 2019 Unified Agenda and Regulatory Plan](#)

MISCELLANEOUS UPDATES

No Miscellaneous Updates for November 2019

A. EPA Fall 2019 Unified Agenda and Regulatory Plan

Agency

Environmental Protection Agency (EPA), Office of Land and Emergency Management (OLEM)

Dates

Published Date: November 20, 2019

Summary

EPA Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Office of Land and Emergency Management - Final Rule Stage
1. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act: Reconsideration of Amendments
2. Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations
3. Modernizing Ignitable Liquids Determinations
Office of Land and Emergency Management - Proposed Rule Stage
1. Rulemaking for Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations
2. Integrating e-Manifest with Exports and Other Manifest-related Reports

Reference/Link

The link below will allow you to view/print this notice of Agenda and Regulatory Plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2000&Image58.x=24&Image58.y=21&csrf_token=D86099ABB4FE9CE73E8697BF141C0747A8B4A7B74737089EB6533032B6FA9B5292064BC0C4929D658F068D63B6208FCFC5F0

B. EPA Bans All Retail Distribution of Methylene Chloride to Consumers for Paint and Coating Removal

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: March 27, 2019

Effective Date: November 23, 2019

Summary

The Environmental Protection Agency (EPA) has made the decision to prohibit the manufacture (including import), processing and distribution of methylene chloride in all paint removers for consumer use. This Advanced Notice of Proposed Rulemaking was originally published on March 27, 2019. Veolia made a summary of this posting in the March 2019 Regulatory Update. This rule went into effect on November 23, 2019.

It is now unlawful for any person or retailer to sell or distribute paint removal products containing methylene chloride for consumer use, including e-commerce sales. The EPA believes that this will be a step in providing important public health protections for consumers. It is encouraged for all consumers to stop using methylene chloride products that have already been purchased. It is also a requirement for generators to dispose of the products in a manner that is safe for public health and the environment. If you manufacture, process, or distribute methylene chloride in commerce you are also subject to the downstream notification and recordkeeping requirements in the final rule starting on August 26, 2019. The downstream notification describes the restrictions in the rule and must be provided in writing with the shipment of methylene chloride, or in advance of it. This notification must include the SDS provided with the methylene chloride or any product containing methylene chloride and the following text:

(a) SDS Section 1(c): "This chemical/ product is not and cannot be distributed in commerce (as defined in TSCA section 3(5)) or processed (as defined in TSCA section 3(13)) for consumer paint or coating removal."

(b) SDS Section 15: "This chemical/ product is not and cannot be distributed in commerce (as defined in TSCA section 3(5)) or processed (as defined in TSCA section 3(13)) for consumer paint or coating Removal."

The recordkeeping requirements explains that the manufacturer, processor, and distributor, must retain documentation of the companies to whom methylene chloride was shipped, a copy of the downstream notification provided and the amount of methylene chloride shipped. The sale of products containing methylene chloride is prohibited under the authority of section 6 of the Toxic Substances Control Act (TSCA). Violators may be subject to both civil and criminal liability.

Reference/Link

The link below will allow you to view/print this final rule.

<https://www.govinfo.gov/content/pkg/FR-2019-03-27/pdf/2019-05666.pdf>

C. Hazardous Materials: Unapproved Foreign-Made DOT Cylinders; Safety Advisory Notice

Agency

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Published Date: November 1, 2019

Effective Date: November 1, 2019

Summary

PHMSA is issuing this safety advisory notice to inform the public, industrial gas stakeholders, and relevant government officials of the risks associated with requalifying, filling, and transporting cylinders bearing the DOT specification markings “DOT 4E” or “DOT 4BA” that were produced by a company located in Thailand by the name of Metal Mate. Metal Mate does not have an approval from PHMSA to manufacture cylinders to DOT specifications; therefore, cylinders marked with the Metal Mate name are not DOT specification cylinders. They must not be used to transport hazardous materials in commerce to, from, or within the United States, or on a United States-registered aircraft. These cylinders may not perform to the marked DOT performance standard and may not be safe for commercial transportation or consumer use. Metal Mate cylinders can be identified by the name “Metal Mate” and “MM” logo stamped into the cylinder collar adjacent to other cylinder markings (water capacity, test pressure, serial number, original test date).

Reference/Link

The link below will allow you to view/print this safety advisory notice.

<https://www.federalregister.gov/documents/2019/11/01/2019-23878/hazardous-materials-unapproved-foreign-made-dot-cylinders>

D. DOT Fall 2019 Unified Agenda and Regulatory Plan

Agency

Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: November 20, 2019

Summary

DOT Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

The information contained herein is provided by Veolia North America for general informational purposes only. This information should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you should have any questions, please contact Kevin McGrath, Director, Environment at kevin.mcgrath@veolia.com.

Pipeline and Hazardous Materials Safety Administration - Final Rule Stage
1. Hazardous Materials: Harmonization With International Standards
2. Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders
Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage
1. Hazardous Materials: Harmonization With International Standards
2. Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards
Pipeline and Hazardous Materials Safety Administration - Prerule Stage
1. Hazardous Materials: Regulatory Reform Initiatives and Reducing Unnecessary Burdens
Federal Motor Carrier Safety Administration - Proposed Rule Stage
1. Amendments to Motor Carrier Safety Assistance Program
2. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License
3. Record of Violations
4. Hours of Service of Drivers
5. Driver Qualifications; Revising the Vision Standard
6. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits
7. Extension of Compliance Date for States' Query of the Drug and Alcohol Clearinghouse

Reference/Link

The link below will allow you to view/print this notice of Agenda and Regulatory Plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2100&Image58.x=59&Image58.y=17&csrf_token=D86099ABB4FE9CE73E8697BF141C0747A8B4A7B74737089EB6533032B6FA9B5292064BC0C4929D658F068D63B6208FCFC5F0

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E. OSHA Fall 2019 Unified Agenda and Regulatory Plan

Agency

Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)

Dates

Published Date: November 20, 2019

Summary

OSHA Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Occupational Safety and Health Administration - Final Rule Stage
1. Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records
Occupational Safety and Health Administration - Proposed Rule Stage
1. Update to the Hazard Communication Standard
Occupational Safety and Health Administration - Prerule Stage
1. Emergency Response
2. Powered Industrial Trucks
3. Lock-out/Tag-out Update

Reference/Link

The link below will allow you to view/print this notice of Agenda and Regulatory Plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=1200&Image58.x=36&Image58.y=12&csrf_token=D86099ABB4FE9CE73E8697BF141C0747A8B4A7B74737089EB6533032B6FA9B5292064BC0C4929D658F068D63B6208FCFC5F0