



**Semiannual Regulatory Agenda  
Summer 2017**

Twice a year, federal agencies publish their Regulatory Agendas and Regulatory Plans. The activities included in the Agenda are, in general, those that will have regulatory action within the next 12 months. The new Administration has pulled or withdrawn 860 pending regulations from the previous agenda. Since Inauguration Day until the end of May, just 15 regulations were approved by the White House. Below are regulations that could impact wire and wire products manufacturers, their suppliers, and/or their customers. Those from the previous agenda that have been withdrawn or pulled are noted as such.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**PULLED: 2025-AA24. TOXICS RELEASE INVENTORY ARTICLES EXEMPTION CLARIFICATION RULE**

Priority: Other Significant  
CFR Citation: 40 CFR 372

Abstract: Toxics Release Inventory (TRI) reporting is required by Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act. The purpose of this rule is to clarify the scope of the exemption from TRI reporting requirements for items that qualify as articles. A proposed rule was issued on August 24, 2009; the EPA plans to accommodate comments received through the development and issuance of a supplemental proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/24/09	74 FR 42625
Supplemental NPRM	08/00/17	
Final Rule	04/00/18	

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**PULLED: 2060-AS67. ELECTRONIC REPORTING AND RECORDKEEPING REQUIREMENTS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS, PHASE I**

Priority: Substantive, Nonsignificant  
CFR Citation: 40 CFR 63

Abstract: EPA is proposing the electronic submission of performance testing information collected by industry by revising the reporting requirements for national emission standards for hazardous air pollutants (NESHAP). In addition to performance test data, this rulemaking proposes to require the electronic submission of other selected compliance data, such as excess emissions reports, that are already being compiled and submitted by industry to regulatory authorities. These data can be used for regulation development, control strategy development, rule effectiveness studies, risk analyses and other air pollution control activities. Revisions will be handled by a phased approach. This rulemaking is the first phase in the revision process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/17	
Final Rule	09/00/18	

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## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### **PENDING: 2070-AK27. SERVICE FEES FOR THE ADMINISTRATION OF THE TOXIC SUBSTANCES CONTROL ACT**

Priority: Other, Significant

CFR Citation: Not Yet Determined

**Abstract:** On June 22, 2016 President Obama signed into law the Frank Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act which amends the Toxic Substance Control Act (TSCA), the nation's primary chemicals management law. This particular rulemaking effort involves the revised TSCA section 26(b)(1) which authorizes the EPA to issue a rule to establish fees to defray the cost of collecting, processing, reviewing and providing access to information on chemical substances.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	01/00/17	

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**Agency Contact:** Andrea Cherepy, Office of Chemical Safety and Pollution Prevention, EPA, Washington  
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### **PENDING: 2070-AK29. TSCA REPORTING AND RECORDKEEPING REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 720

**Abstract:** As part of EPA's ongoing efforts to implement the Frank Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act which amends the Toxic Substance Control Act (TSCA), the nation's primary chemicals management law. This particular rulemaking effort involves the revised TSCA section 8(a)(3)(C) that requires that EPA, after consultation with the Administrator of the Small Business Administration, review the adequacy of the standards for determining the manufacturers and processors which qualify as small manufacturers and processors for purposes of TSCA section 8(a)(3)(C).

**Agency Contact:** TBA

**DEPARTMENT OF LABOR (DOL)**  
**Occupational Safety and Health Administration (OSHA)**

**WITHDRAWN: 1218-AC41. COMBUSTIBLE DUST**

Priority: Economically Significant  
CFR Citation: 29 CFR 1910

Abstract: OSHA has initiated rulemaking to develop a combustible dust standard for general industry. OSHA will use the information gathered, including from an upcoming SBREFA panel, to develop a comprehensive standard that addresses combustible dust hazards.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	10/21/09	74 FR 54333
Stakeholder Meetings	03/09/10	75 FR 10739
Initiate SBREFA	11/00/16	

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Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210  
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**WITHDRAWN: 1218-AC51. PREVENTING INJURIES AND FATALITIES**

Priority: Other Significant  
CFR Citation: Not Yet Determined

Abstract: Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught-between injuries when backing vehicles and equipment pin a worker against an object. Struck-by injuries and caught-between injuries are two of the four leading causes of workplace fatalities. The Bureau of Labor Statistics reports that in 2013, 67 workers were fatally backed over while working. While many backing incidents can prove to be fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's Integrated Management Information System database found that backing incidents can result in serious injury to the back and pelvis, fractured bones, concussions, amputations and other injuries. Emerging technologies in the field of backing operations may prevent incidents. The technologies include cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. The Agency is conducting site visits and is developing a standard to address these hazards.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Request for Information	03/29/12	77 FR 18973
Initiate SBREFA	04/00/17	

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**DEPARTMENT OF LABOR (DOL)**  
**Occupational Safety and Health Administration (OSHA)**

**PULLED:** 1218-AC81. AMENDMENTS TO THE CRANES AND DERRICKS IN CONSTRUCTION

Priority: Other Significant

CFR Citation: 29 CFR 1926

Abstract: OSHA is proposing amendments to the final standard for cranes and derricks published in August 2010. The standard has a large number of provisions designed to improve crane safety and reduce worker injury and fatality. The proposed amendments correct references to power line voltage for direct current voltages as well as alternating current voltages; broadens the exclusion for forklifts carrying loads under the forks from "winch or hook" to "with a winch and boom"; clarifies an exclusion for work activities by articulating cranes; provides four definitions inadvertently omitted in the final standard; replaces "minimum approach distance" with "minimum clearance distance" throughout to remove ambiguity; clarifies the use of demarcated boundaries for work near power lines; and corrects an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	02/00/17	

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**PENDING:** 1218-AD00. LOCK-OUT/TAG-OUT UPDATE

Priority: Substantive, Nonsignificant

CFR Citation: 29 CFR 1910

Abstract: Recent technological advancements that employ computer-based controls of hazardous energy (e.g., mechanical, electrical, pneumatic, chemical, radiation) conflict with OSHA's existing lock-out/tag-out standard. The use of these computer-based controls has become more prevalent as equipment manufacturers modernize their designs. Additionally, there are international standards harmonization concerns since this method of lock-out/tag-out is more accepted in other nations. The Agency has recently seen an increase in requests for variances for these devices. An RFI would be useful in understanding the strengths and limitations of this new technology, as well as potential hazards to workers. Alternatively, the agency could simply hold a stakeholder meeting and open a public docket to explore the issue.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Request for Information	12/00/16	

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**DEPARTMENT OF LABOR (DOL)**  
**Occupational Safety and Health Administration (OSHA)**

**PULLED: 1218-AC93. UPDATE TO HAZARD COMMUNICATION STANDARD**

Priority: Economically Significant

CFR Citation: 29 CFR 1910

**Abstract:** OSHA and other agencies have been involved in a long-term project to negotiate a globally harmonized approach to defining hazards, and providing labels and safety data sheets for hazardous chemicals. The result is the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). OSHA incorporated the GHS into the Hazard Communication Standard (HCS) in March 2012. The result was more specific requirements for hazard classification, as well as standardized label components and a standard approach to conveying information on safety data sheets. The adoption has the potential to address some issues regarding accuracy and comprehensibility in the U.S. which will improve employee protection and facilitate international trade. However, the GHS is a living document and has been updated several times since OSHA's rulemaking. The latest edition contains additional hazard categories that OSHA may add in order to maintain alignment with the GHS and other countries that have adopted the GHS.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	10/00/17	

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**PENDING: 1218-AC94. QUANTITATIVE FIT TESTING PROTOCOL: AMENDMENT TO THE FINAL RULE ON RESPIRATORY PROTECTION**

Priority: Substantive, Nonsignificant

CFR Citation: 29 CFR 1910

**Abstract:** In January 1998, OSHA published the final Respiratory Protection Standard. In the final revised respirator standard, OSHA set up a mechanism for OSHA's acceptance of a new fit protocol. Any person may submit an application for approval of a new fit test protocol, and if the application meets certain criteria, OSHA will initiate a rulemaking proceeding to determine whether to list the new protocol as an approved fit test protocol. OSHA has received a submission to consider three new quantitative fit test protocols that reduce the time required to complete the fit test while maintaining acceptable test sensitivity, specificity and predictive value. Employers, employees and safety and health professionals use fit testing to select respirators. When OSHA published the final Respiratory Protection Standard, it allowed for later rulemaking on new fit test protocols. This rulemaking action will allow for the incorporation of new fit test protocols.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	10/07/16	81 FR 69740
Analyze Comments	06/00/17	

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**DEPARTMENT OF LABOR (DOL)**  
**Occupational Safety and Health Administration (OSHA)**

**PENDING: 1218-AC96. CRANE OPERATOR QUALIFICATION IN CONSTRUCTION**

Priority: Other Significant  
CFR Citation: 29 CFR 1926

Abstract: This rulemaking will identify criteria for employers to follow to ensure their crane operators are completely qualified to operate cranes safely. In the 2010 final cranes standard, the Agency established crane operator certifications as the sole criterion for operator safety. Certification is virtually always provided by third party testing entities. Following publication of the final crane standard, stakeholders informed the Agency that a certification did not by itself establish a safe enough level of experience and competence – employers must be responsible to ensure that crane operators are qualified. The Agency responded by publishing a final rule postponing the deadline for operator certification and extending the employer duty to permit the Agency to conduct rulemaking on operator qualification. This rulemaking will also clarify issues surrounding operator certification, including “type and capacity” requirement.

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Timetable:

Action	Date	FR Cite
NPRM	02/00/17	

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**PENDING: 1218-AC98. MECHANICAL POWER PRESSES UPDATE**

Priority: Substantive, Nonsignificant  
CFR Citation: Not Yet Determined

Abstract: The current OSHA standard on mechanical power presses does not address the use of hydraulic or pneumatic power presses. Additionally, the existing standard is approximately 40 years old and does not address technological changes. OSHA previously published an ANPRM on Mechanical Power Presses in which it proposed several options for updating this standard, but there were insufficient resources and no further action was taken. The Agency would like to update the public record to determine how best to proceed. This project is in accordance with Executive Order 13563 which is intended to facilitate the review of existing regulations that may be outmoded, ineffective, insufficient or excessively burdensome and to modify, streamline, expand or repeal them.

Agency Contact: TBA

**PENDING: 1218-AC99. POWERED INDUSTRIAL TRUCKS**

Priority: Substantive, Nonsignificant  
CFR Citation: 29 CFR 1010

Abstract: Powered industrial trucks (i.e., fork trucks, tractors, lift trucks, motorized hand trucks) are ubiquitous in industrial worksites. The agency’s standard still relies upon ANSI standards from 1969. OSHA has been urged to update and expand the OSHA standard to account for the substantial revisions to ANSI standards on powered industrial trucks over the last 45 years. The current standard covers 11 types of trucks, and there are now 19 types. In addition, the standard itself incorporates an out-of-date consensus standard. This project is in accordance with Executive Order 13563 which is intended to facilitate the review of existing regulations that may be outmoded, ineffective, insufficient or excessively burdensome and to modify, streamline, expand or repeal them.

Agency Contact: TBA