American Wire Producers Association
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Semiannual Regulatory Agenda
Winter 2016

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.

Below are regulations that could impact wire and wire products facilities, their suppliers, and/or their customers.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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	

Agency Contact: David Turk, Office of Chemical Safety and Pollution Prevention, EPA, Washington, DC
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ENVIRONMENTAL PROTECTION AGENCY (EPA)

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	

Agency Contact: Gerri Garwood, Air and Radiation, EPA, Washington, DC
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ENVIRONMENTAL PROTECTION AGENCY (EPA)

2070-AK20. PROCEDURES FOR EVALUATING EXISTING CHEMICAL RISKS UNDER 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 21st 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 6(b)(4) which requires EPA to promulgate a final rule within one year of enactment to establish EPA’s process for evaluating the risks of existing chemical substances and determining whether they present an unreasonable risk of injury to health or the environment without consideration of costs or other non-risk factors.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Agency Contact: Susanna Blair, Office of Chemical Safety and Pollution Prevention, EPA, Washington, DC
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2070-AK23. PROCEDURES FOR PRIORITIZATION OF CHEMICALS FOR RISK EVALUATION UNDER 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 21st 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 6(b)(1) which requires EPA to promulgate a final rule within one year of enactment to establish a risk-based screening process, including criteria for designating chemical substances as high-priority substances for risk evaluations or low-priority substances for which risk evaluations are not warranted at the time. As required by statute, the process to designate the priority for chemical substances must include a consideration of the hazard and exposure potential of a chemical substances or a category of chemical substances, the condition of use or significant changes in the condition of use of the chemical substance, and the volume or significant changes in the volume of the chemical substance manufactured or processed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Agency Contact: Ryan Schmit, Office of Chemical Safety and Pollution Prevention, EPA, Washington, DC
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ENVIRONMENTAL PROTECTION AGENCY (EPA)

2070-AK24. TSCA INVENTORY NOTIFICATION ACTIVE-INACTIVE REPORTING REQUIREMENTS
Priority: Substantive, Nonsignificant
CFR Citation: Not Yet Determined

Abstract: On June 22, 2016 President Obama signed into law the Frank Lautenberg Chemical Safety for the 21st 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 which requires the Agency to compile, keep current and publish a list of each chemical substance that is manufactured or processed in the United States. Under amended TSCA section 8, EPA must promulgate a final rule within one year of enactment that would require manufacturers and, under certain circumstances, processors of chemical substances to notify the Agency of each chemical substance listed on the TSCA Inventory that the manufacturer has manufactured or processed for a nonexempt commercial purpose during the 10-year period prior to enactment.

Timetable:

Action	Date	FR Cite

NPRM	12/00/16
Final Rule	06/0017

Agency Contact: Myrta Christian, Office of Chemical Safety and Pollution Prevention, EPA, Washington, DC
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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 21st 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.

Timetable:

Action	Date	FR Cite
NPRM	01/00/17	

Agency Contact: Andrea Cherepy, Office of Chemical Safety and Pollution Prevention, EPA, Washington
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DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

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.

Timetable:

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

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
Phone: 202-693-1950; Email: perry.bill@dol.gov

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.

Timetable:

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

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
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DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

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.

Timetable:

Action	Date	FR Cite
Request for Information	12/00/16	

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
Phone: 202-693-1950; Email: perry.bill@dol.gov

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.

Timetable:

Action	Date	FR Cite
NPRM	02/00/17	

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
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DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

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 if 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/17	

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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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.

Timetable:

Action	Date	FR Cite
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)

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.

Timetable:

Action	Date	FR Cite
NPRM	02/00/17	

Agency Contact: Dean McKenzie, Director, Directorate of Construction, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
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