



**Semiannual Regulatory Agenda
Spring 2020**

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 producing companies, their suppliers, and/or their customers.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

2020-AA52. NPDES ELECTRONIC REPORTING RULE – PHASE 2 EXTENSION

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 123

Abstract: EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule on October 22, 2015. This rule requires EPA and states to modernize Clean Water Act (CWA) reporting for municipalities, industries and other facilities. The rule replaces most paper-based NPDES reporting requirements with electronic reporting. These reports include: 1) Discharge Monitoring Reports; 2) Notices of Intent to discharge in compliance with a general permit; and 3) other specified program reports. The rule also requires states and other regulatory authorities to share data electronically with EPA. The data that these regulatory authorities will share with EPA includes permit, compliance monitoring, violation determination and enforcement action data. The transition to electronic reporting and the corresponding data sharing between EPA and states is designed to save state resources, make reporting easier for NPDES-regulated entities, streamline permit renewals ensure full exchange of NPDES program data between states and EPA to the public, improve environmental decision-making and protect human health and the environment. This rulemaking will give EPA and states more time to implement electronic reporting for general permit reports. This is the NPDES eRule Phase 2 implementation period. EPA published a proposed rule to extend the Phase 2 deadlines from December 21, 2020 to December 21, 2023. EPA and states will be able to build most if not all the necessary electronic reporting tools and systems before the new proposed deadlines. In addition to changing the Phase 2 compliance deadlines, EPA is proposing new regulatory provisions to create additional flexibility for Phase 2 compliance deadlines in case they are needed. The EPA proposes a new regulatory provision that would allow authorized NPDES programs to request additional time beyond December 21, 2023 to implement Phase 2 of the NPDES eRule but no later than December 21, 2026. Finally, EPA also plans to propose some minor corrections to the NPDES eRule. These changes will clarify requirements and streamline implementation of the NPDES eRule.

Timetable:

Action	Date	FR Cite
NPRM	02/28/2020	85 FR 11909
Final Action	11/00/2020	

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

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2040-AF86. UPDATING REGULATIONS ON WATER QUALITY CERTIFICATION

Priority: Other Significant

CFR Citation: 40 CFR 121

Abstract: Section 401 of the Clean Water Act (CWA) requires that any applicant for a federal license or permit to conduct an activity which may result in a discharge to navigable waters obtain, from the state in which the discharge would originate, certification that the discharge will comply with the state' applicable water quality requirements, including effluent limitations, water quality standards and toxic and pretreatment effluent standards. The current regulations were promulgated in May 1971. They pre-date the passage of the Clean Water Act in 1972 and were based on section 401's predecessor. In accordance with the "Promoting Energy Infrastructure and Economic Growth" Executive Order, EPA updated its CWA 401 guidance in June 2019 and issued a proposed rule in August 2019 seeking to clarify and update its current water quality certification regulations to improve the efficiency of the CWA section 401 certification process and increase regulatory certainty.

Timetable:

Action	Date	FR Cite
NPRM	10/22/2019	84 FR 44080
Final Action	11/00/2020	

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

2060-AS50. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Other Significant
CFR Citation: 40 CFR 50

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary and secondary national ambient air quality standards (NAAQS) every 5 years. On January 13, 2013, the EPA published a final rule revising the NAAQS for particulate matter to provide increased protection for public health. The current review includes the preparation by EPA of an Integrated Review Plan, an Integrated Science Assessment and a Policy Assessment which includes a risk/exposure assessment, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents informed the Administrator's proposed decision as to whether to retain or revise the standards. This proposed decision was published in the Federal Register with opportunity to provide for public comments. The Administrator's final decision will take into consideration these documents and public comments.

Timetable:

Action	Date	FR Cite
NPRM	04/03/2020	85 FR 24094
Final Rule	12/00/2020	

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2060-AT03. NESHAP FOR INTEGRATED IRON AND STEEL MANUFACTURING FACILITIES

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 63

Abstract: This final rule will address the Agency's Residual Risk and Technology Review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities. The NESHAP established emission limitations and work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of hazardous air pollutants (HAP) from iron-making blast furnaces, steel-making oxygen furnaces, and ancillary operations, such as ladling, hot metal transfer, skimming, and desulfurization. This action will implement the residual risk review requirements of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	08/16/2019	84 FR 42704
Final Rule	06/00/2020	

Agency Contact: Donnalee Jones, Office of Air, EPA
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ENVIRONMENTAL PROTECTION AGENCY (EPA)

2070-AK62. REPORTING AND RECORDKEEPING FOR CERTAIN CHEMICALS UNDER SECTION 8(a) OF THE TSCA

Priority: Other Significant
CFR Citation: 40 CFR 704

Abstract: EPA is developing a rulemaking under section 8(a) of the Toxic Substances Control act (TSCA) to add certain chemicals that are on the TSCA Work Plan to the Chemical-Specific Reporting and Recordkeeping rules. TSCA section 8(a) authorizes EPA to require manufacturers and processors of certain chemicals to report information known to or reasonably ascertainable by them, including information on chemical identity and structure, manufacture, use, exposure, disposal and health and environmental effects, and to maintain records of such information, EPA is developing this TSCA rule to obtain information about potential hazards and exposure pathways related to certain chemicals on the TSCA Work Plan, particularly occupational, environmental and consumer exposure information. This information is needed to inform prioritization and risk evaluation of the chemical substances, as mandated in TSCA section 6 which requires EPA to draw chemicals from the 2014 update of the TSCA Work Plan to prioritize and/or evaluate those particular chemicals or chemical groups listed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/2020	
Final Rule	06/00/2021	

Agency Contact: Harlan Weir, Office of Chemical Safety, EPA, Washington, DC
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2070-AK42. PARENT COMPANY DEFINITION FOR TOXICS RELEASE INVENTORY (TRI) REPORTING

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 372

Abstract: The Toxics Release Inventory (TRI) is considering whether to propose to codify a definition of "parent company" for reporting purposes. This proposed rulemaking would clarify existing guidance and provide guidance for facilities owned by public entities, multiple entities, and entities with several layers of ownership. Providing this definition would clarify reporting requirements and increase the quality of TRI data by increasing consistency in the reporting of parent company and improving trend analyses across ownership structures. This action also proposes to add a new data element to the TRI reporting forms, for facilities required to report a foreign parent company.

Timetable:

Action	Date	FR Cite
NPRM	07/00/2020	
Final Rule	10/00/2021	

Agency Contact: Stephanie Griffin, Office of Chemical Safety, EPA, Washington, DC
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ENVIRONMENTAL PROTECTION AGENCY (EPA)

2070-AK53. COMMUNITY-RIGHT-TO-KNOW; CORRECTIONS TO TOXICS RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 372

Abstract: EPA is developing proposed corrections to the existing regulatory language for the Toxics Release Inventory (TRI) program. EPA is considering corrections that will a) update identifiers, formulas and names for certain TRI-listed chemicals and b) update text to indicate for which chemicals the 0.1 percent de minimis concentration applies to remedy a cross-reference to a no-longer applicable regulatory citation. These proposed corrections are intended to maintain previous regulatory actions and do not alter existing reporting requirements. The proposed changes would not cause an increase or decrease in TRI reporting.

Timetable:

Action	Date	FR Cite
NPRM	09/00/2020	
Final Action	07/00/2021	

Agency Contact: Christopher Clipper, Office of Chemical Safety and Pollution Prevention, EPA, Washington, DC
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2070-AK64. REVISIONS TO THE FEES RULE UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Priority: Other Significant
CFR Citation: 40 CFR 700

Abstract: EPA is reviewing the final rule issued in 2018 under section 26(b) of the TSCA that established the requirements and procedures for setting and collecting fees from chemical manufacturers and in some cases processors. TSCA section 26(b) directs EPA to collect fees in order to defray some of the Agency's costs related to activities under sections TSCA sections 4, 5 and 6, and the costs for collecting, processing, reviewing and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. TSCA section 26 (b) requires EPA to review and adjust the fees established in this rule every three years, and to consult with parties potentially subject to fees when the fees are reviewed and updated to reflect changes in program costs. In addition to possible revisions resulting from this review, consistent with its announcement in March 2020, EPA will also consider proposing exemptions to the current Rule's self-identification requirements associated with EPA-initiated risk evaluations for manufacturers that 1) import the chemical substance in an article; 2) produce the chemical substance as a byproduct; and 3) produce or import the chemical substance as an impurity.

Timetable:

Action	Date	FR Cite
NPRM	12/00/2020	
Inal Action	10/00/2021	

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

1218-AC91. EMERGENCY RESPONSE

Priority: Economically Significant

CFR Citation: 29 CFR 1910

Abstract: OSHA currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, and other workers providing skilled support, nor do they reflect major changes in performance specifications for protective clothing and equipment. The Agency acknowledged that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings.

Timetable:

Action	Date	FR Cite
Initiate SBREFA	10/00/2020	

Agency Contact: Andrew Levinson, Deputy 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-AC98. MECHANICAL POWER PRESSES

Priority: Other Significant

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.

Timetable:

Action	Date	FR Cite
Request for Information	07/00/2020	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, 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 THE HAZARD COMMUNICATION STANDARD

Priority: Other Significant

CFR Citation: 29 CFR 1910

Abstract: OSHA and other U.S. agencies have been involved in a long-term project to negotiate a globally harmonized approach to classify chemical 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). The GHS was adopted by the United Nations, with an international goal of as many countries as possible adopting it by 2008. OSHA incorporated the GHS into the Hazard Communication Standard (HCS) in March 2012 to specify requirements for hazard classifications and to standardize label components and information on safety data sheets, 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. OSHA's rulemaking was based on the third edition of the GHS and the UN recently completed the seventh. OSHA is conducting rulemaking to harmonize the HCS to the latest edition of the GHS and to codify a number of enforcement policies that have been issued since the 2012 standard.

Timetable:

Action	Date	FR Cite
NPRM	08/00/2020	

Agency Contact: Maureen Ruskin, Deputy 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-AC99. POWERED INDUSTRIAL TRUCKS

Priority: Substantive, Nonsignificant

CFR Citation: 29 CFR 1910

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 issued a Request for Information on March 11, 2019 to determine if changes need to be made to locations of use, maintenance, training and operation of powered industrial trucks. On a separate track, OSHA also intends to issue a separate proposal for updating the consensus standard incorporated for design and construction of powered industrial trucks. The current standard covers 11 types of trucks, and there are now 19 types. OSHA will begin the process to develop a proposed rule updating the consensus standard referenced from the 1969 version of the American National Standard.

Timetable:

Action	Date	FR Cite
Request for Information	03/11/2019	84 FR 8633
RFI Comment Period End	06/10/2019	
NPRM	12/00/2020	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, 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 national consensus standards and international standards harmonization that govern the design and use of computer-based controls: this approach of controlling hazardous energy is more accepted in other nations which raises issues of needing to harmonize U.S. standards with those of other countries. 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. The agency may also hold a stakeholder meeting and open a public docket to explore the issue.

Timetable:

Action	Date	FR Cite
Request for Information	05/20/2019	84 FR 22756
RFI Comment Period End	08/19/2019	
NPRM	04/00/2021	

Agency Contact: Andrew Levinson, Deputy 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-AD23. WELDING ON CONSTRUCTION CONFINED SPACES

Priority: Other Significant
CFR Citation: 29 CFR 1926

Abstract: OSHA is proposing to amend the Welding and Cutting Standard in construction to eliminate any perceived ambiguity about the definition of "confined space" that applies to welding activities. On May 4, 2015, when OSHA published the final rule for Confined Spaces in Construction, a new subpart was added to provide protections to employees working in confined spaces in construction. This new subpart replaced OSHA's one training requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The explanation of the final rule also discusses in detail how the Welding and Cutting Standard in Construction works together with the confined spaces standard regarding the application of their respective requirements. Although the confined spaces standard states that it encompasses welding activities, the welding standard itself does not expressly identify a definition of "confined spaces." OSHA will conduct a rulemaking to eliminate a perceived ambiguity about the definition of confined space that applies to welding activities in construction.

Timetable:

Action	Date	FR Cite
NPRM	07/00/2020	

Agency Contact: Scott Ketcham, 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-AD24. DRUG TESTING PROGRAM AND SAFETY INCENTIVES RULE

Priority: Other Significant

CFR Citation: Not Yet Determined

Abstract: OSHA clarified through a memorandum to the field the agency's position that 29 CFR 1904 does not prohibit post-incident drug testing or safety incentive programs. The agency would propose memorializing OSHA's position on these issues through changes to 29 CFR 1904 related to implementation of post-incident drug testing and safety incentive programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/2020	

Agency Contact: Maureen Ruskin, Deputy 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-AD28. WALKING WORKING SURFACES

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Abstract: OSHA has received feedback from stakeholders indicating that several regulatory provisions in the 2016 final rule on Walking-Working Surfaces are unclear. The agency plans to correct a formatting error in Table D-2 and also revise the language of the requirements for stair rail systems to make them clearer and reflective of OSHA's original intent.

Timetable:

Action	Date	FR Cite
NPRM	06/00/2020	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, OSHA, 200 Constitution Avenue NW., Room N-3718, Washington, DC 20210
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DEPARTMENT OF TRANSPORTATION (DOT)

2126-AC19. HOURS OF SERVICE OF DRIVERS

Priority: Economically Significant

CFR Citation: 49 CFR 395

Abstract: FMCSA amends its hours of service (HOS) requirements to provide greater flexibility for drivers subject to the HOS rules without adversely affecting safety.

Timetable:

Action	Date	FR Cite
NPRM	08/22/19	84 FR 44190
Final Rule	06/01/2020	85 FR 33396
Final Action Effective	09/29/2020	

Agency Contact: Richard Clemente, Federal Motor Carrier Safety Administration, Department of Transportation, Washington, DC 20590
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2137-AF46. HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: The federal hazardous materials transportation law requires the Secretary of Transportation to ensure that regulations governing the transportation of hazardous materials in commerce are consistent with standards adopted by international authorities. Harmonization enhances safety, facilitates compliance, and improves the efficiency of the global transportation system by minimizing the regulatory burden on the public, thus promoting trade. After a thorough review of the provisions recently adopted by various international regulatory bodies, the Pipeline and Hazardous Materials Safety Administration (PHMSA) has identified areas in the hazardous materials regulations (HMR) in which harmonization with international regulations will provide an enhanced level of safety, an economic benefit, or in many instances both increased safety and economic benefits. As a result, this rulemaking action would amend the HMR to maintain alignment with international standards that will become effective as of January 1, 2019, and consequently facilitate the safe global trading of hazardous materials. Proposals in this rulemaking action include: non-testing methods to classify corrosive materials, a classification scheme and transport provisions for articles containing hazardous materials that do not already have a proper shipping name, provisions to recognize one-time movement approvals issued by Transport Canada, and the incorporation of various international standards including the latest editions of the UN Model Regulations, the IMDG Code and International Organization for Standardization (ISO) technical standards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/20	

Agency Contact: Candace Casey, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590
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DEPARTMENT OF TRANSPORTATION (DOT)

2137-AF47. HAZARDOUS MATERIALS: REGULATORY REFORM INITIATIVES AND REDUCING UNNECESSARY BURDENS

Priority: Substantive, Nonsignificant
CFR Citation: 49 CFR 171

Abstract: PHMSA proposes to amend the Hazardous Materials Regulations (HMR) to adopt a number of actions that would reduce certain unnecessary and regulatory burdens on hazardous material transportation without compromising safety. These amendments include deregulatory actions identified by internal agency review and public comments on the Department of Transportation's regulatory reform and infrastructure public notices. PHMSA has identified a number of complex deregulatory opportunities, to include package design, regulatory updates and incident reporting and data. Working closely with our stakeholders, PHMSA seeks to ensure the HMR are amended as necessary to reflect new technologies, improved manufacturing methods and current economic conditions.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/2020	

Agency Contact: Eamonn Patrick, Transportation Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590
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2137-AF33. HAZARDOUS MATERIALS: ADOPTION OF MISCELLANEOUS PETITIONS TO REDUCE REGULATORY BURDENS

Priority: Substantive, Nonsignificant
CFR Citation: 49 CFR 171

Abstract: In response to various petitions for rulemaking submitted by the regulated community, this rulemaking action would amend the Hazardous Materials Regulations (HMR) to reduce regulatory burdens while maintaining or enhancing the existing level of safety. These changes have been identified as deregulatory in nature and would provide a cost savings to industry. Specific examples include amending the HMR to adopt a phase-out schedule for certain tank cars used to ship chlorine by rail. Additionally, this rulemaking action would amend the HMR and respond to petitions that are identified as deregulatory in nature and which would provide a costs savings to industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/2020	

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