

Semiannual Regulatory Agenda Spring 2021

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

ENVIRONMENTAL PROTECTION AGENCY (EPA)

2040-AG02. MARKET-BASED APPROACH UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM

Priority: Other Significant
CFR Citation: 40 CFR 122

Abstract: EPA strongly supports market-based mechanisms to accomplish its mission to protect human health and the environment. Market-based mechanisms include water quality trading under the Clean Water Act (CWA), an approach that promotes water quality improvements at lower cost than more traditional regulatory approaches. The Agency has long interpreted the CWA to allow pollutant reductions from water quality trading and offsets to achieve compliance with CWA regulatory requirements. Neither the CWA nor the EPA's implementing regulations explicitly address water quality trading. In the absence of explicit statutory language or regulations, EPA has provided guidance for permitting authorities and stakeholders to consider when developing market-based programs including water quality trading. However, EPA is aware that despite its efforts to support these types of programs, they have not been implemented to their fullest potential. In response, the Agency is proposing a regulation to clarify how water quality trading and other market-based approaches may be used by NPDES permitting authorities in permits to meet applicable water quality standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/2022	
Final Rule	10/00/2023	

Agency Contact: Kevin Weiss, Office of Water, EPA, Washington, DC
Phone: 202-564-0742; Email: weiss.kevin@epa.gov

2060-AU96. STANDARDS OF PERFORMANCE FOR STEEL PLANTS

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 60

Abstract: This action will address the agency's review of the New Source Performance Standards (NSPS) for Standards of Performance for Steel Plants: Electric Arc Furnaces (EAF) Constructed After October 21, 1974 and on or before August 17, 1983; and Standards of Performances for Steel Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983. The EAF NSPS established standards of performance in the form of emission limitations and monitoring requirements based on the best system of emission reductions. The parameters regulated at electric arc furnaces and argon oxygen vessels include particulate matter emissions and opacity. This action would implement the review requirements of the Clean Air Act which requires the EPA to review and, if appropriate, revise the standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/2021	
Final Rule	11/00/2022	

Agency Contact: Donnalee Jones, Office of Air and Radiation, EPA, Research Triangle Park, NC
Phone: 919-541-3207; Email: jones.donnalee@epa.gov

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

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	05/00/2021	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, OSHA, Washington, DC 20210

Phone: 202-693-1950; Email: levinson.andrew@dol.gov

1218-AC81. AMENDMENTS TO THE CRANES AND DERRICKS IN CONSTRUCTION STANDARD

Priority: Other Significant

CFR Citation: 29 CFR 1926

Abstract: OSHA is proposing corrections and 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; broaden the exclusion for forklifts carrying loads under the forks from “winch or hook” to a “winch and boom”; clarify the use of demarcated boundaries for work near power lines; correct an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system; replace the verb “must” with “may” used in error in several provisions; and resolve an issue of “NRTL-approved” safety equipment (i.e., proximity alarms and insulating devices) that is required by the final standard, but is not yet available.

Timetable:

Action	Date	FR Cite
NPRM	12/00/2021	

Agency Contact: Scott Ketcham, Director, Directorate of Construction, Department of Labor, OSHA, Washington, DC 20210

Phone: 202-693-1689; Email: ketcham.scott@dol.gov

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 classifying 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 classification 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 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 Informal Public Hearing Date	09/21/2021	

Agency Contact: Maureen Ruskin, Deputy Director, Directorate of Standards and Guidance, Department of Labor, OSHA, Washington, DC 20210

Phone: 202-693-1950; Email: ruskin.maureen@dol.gov

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	05/20/19	84 FR 22756
RFI Comment Period End	08/19/19	
NPRM	01/00/2022	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, OSHA, Washington, DC 20210

Phone: 202-693-1950; Email: levinson.andrew@dol.gov

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

1218-AD28. WALKING WORKING SURFACES

Priority: Substantive, Nonsignificant

CFR Citation: 29 CFR 1910

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

Timetable:

Action	Date	FR Cite
NPRM	05/20/2021	86 FR 27332
NPRM Comment Period End	07/19/2021	

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, OSHA, Washington, DC 20210

Phone: 202-693-1950; Email: levinson.andrew@dol.gov

1218-AD40. IMPROVE TRACKING OF WORKPLACE INJURIES AND ILLNESSES

Priority: Other Significant

CFR Citation: 29 CFR 1904

Abstract: OSHA intends to issue a proposal to restore provisions of the Improve Tracking of Workplace Injuries and Illnesses final rule that were removed in 2019. OSHA proposes to amend its recordkeeping regulation to restore the requirement to electronically submit to OSHA information from the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees which are required to routinely keep injury and illness record. Under the current regulation, these businesses are only required to electronically submit information from the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

Timetable:

Action	Date	FR Cite
NPRM	12/00/2021	

Agency Contact: Elizabeth Grossman, Director, Office of Statistics, Department of Labor, OSHA, Washington, DC
Phone: 202-693-2225; Email: grossman.elizabeth@dol.gov

DEPARTMENT OF TRANSPORTATION (DOT)

2126-AC39. PASSENGER AND HAZARDOUS MATERIALS VEHICLES AND RAILROAD HIGHWAY GRADE CROSSINGS

Priority: Economically Significant

CFR Citation: 49 CFR 392

Abstract: This rule would amend the regulations to allow drivers of buses and hazardous materials vehicles (HMV) to obey active traffic control devices and supporting highway signage at actively controlled railroad crossings rather than stopping in every instance. The present rules were formulated at a time when most railroad grade crossings were un-gated. Since then, strides have been made to identify and control railroad grade crossings with sophisticated arm and light systems. FMCSA would also amend the related requirements that require commercial motor vehicles other than buses and HMTVs to slow down when approaching railroad-highway grade crossings. While the safety risks of slowing down in highway traffic are less severe than those of stopping, this rule still contradicts modern traffic engineering practices which hold that a smooth flow of the traffic prevents crashes. .

Timetable:

Action	Date	FR Cite
NPRM	08/00/2021	

Agency Contact: Marie Johnson, Federal Motor Carrier Safety Administration, Department of Transportation, Washington, DC 20590

Phone: 404-327-7351; Email: marie.johnson@dot.gov

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

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: This rulemaking would consider potential amendments to the Hazardous Materials Regulations (HMR) identified by internal agency review and public comments. PHMSA has identified a number of complex amendments, including package design, regulatory updates, and incident reporting and data. Working closely with our stakeholders, PHMSA seeks to ensure the HMR is amended as necessary to reflect new technologies, improved manufacturing methods, and current economic conditions. Finally, this rulemaking may reduce costs by decreasing regulatory burdens without reducing safety.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/2021	

Agency Contact: Eamonn Patrick, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590

Phone: 202-366-8553; Email: eamonn.patrick@dot.gov

DEPARTMENT OF TRANSPORTATION (DOT)

2137-AF34. HAZARDOUS MATERIALS: CONTINUED CONVERSION OF SPECIAL PERMITS

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. This rulemaking is intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. This rulemaking would also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of active special permits, approvals and related petitions, and those deemed suitable will be adopted into the HMR.

Timetable:

Action	Date	FR Cite
NPRM	08/00/2021	

Agency Contact: Ryan Larson, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590
Phone: 202-366-8553; Email: ryan.larson@dot.gov

2137-AF41. HAZARDOUS MATERIALS: MODAL REGULATORY REFORM INITIATIVES

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) to adopt a number of actions that would ease regulatory burdens on modal transportation while continuing to protect our communities from the risks inherent to transporting hazardous materials. These modal-specific amendments include actions identified by internal agency review and public comments.

Timetable:

Action	Date	FR Cite
NPRM	08/00/2021	

Agency Contact: Shelby Geller, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590
Phone: 202-366-8553; Email: shelby.geller@dot.gov

DEPARTMENT OF TRANSPORTATION (DOT)

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

NPRM

Date

07/00/2021

FR Cite

Agency Contact: Candace Casey, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590

Phone: 202-366-8553; Email: candace.casey@dot.gov

2137-AF49. HAZARDOUS MATERIALS: REDUCING REGULATORY REFORM BURDENS AND ADOPTION OF PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: This rulemaking would adopt a number of provisions that will reduce unnecessary regulatory burdens on hazardous materials transportations as well as support our safety mission. In addition, this rulemaking would address petitions for rulemaking submitted by hazardous materials transportation stakeholders. By adopting recommended amendments presented in these petitions, the rulemaking would reduce regulatory burdens and clarify requirements.

Timetable:

Action

NPRM

Date

10/00/2021

FR Cite

Agency Contact: Michael Ciccarone, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590

Phone: 202-366-8553; Email: michael.ciccarone@dot.gov