



Semiannual Regulatory Agenda Summer 2023

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 supports market-based mechanisms to accomplish its mission to protect human health and the environment especially regarding nutrient management. Market-based mechanisms include water quality trading under the Clean Water Act (CWA), an approach that may cost less than more traditional regulatory approaches. EPA 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 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 to meet applicable water quality standards.

Timetable:

| Action | Date | FR Cite |
|------------|------------|---------|
| NPRM | 09/00/2023 | |
| Final Rule | 06/00/2024 | |

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2070-AK62. TIERED DATA REPORTING TO INFORM PRIORITIZATION, RISK EVALUATION AND RISK MANAGEMENT UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Substantive, Nonsignificant
CFR Citation: 40 CFR 704

Abstract: EPA is developing a rulemaking under the Toxic Substances Control Act (TSCA) to establish reporting requirements based upon a chemical's status in the Risk Evaluation/Risk Management Lifecycle and update the reporting requirements under the Chemical Data Reporting (CDR) regulation. TSCA provides EPA the authority to require manufacturers and processors 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. Specifically, EPA is seeking occupational, environmental, and consumer exposure information. TSCA also provides EPA the authority to require manufacturers, processors and distributors to submit health and safety study information to the agency. EPA is developing this rule to obtain information about potential hazards and exposure pathways related to certain chemicals, particularly occupational, environmental and consumer exposure information. This information is needed to inform prioritization risk evaluation and risk management of the chemical substances under TSCA.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| NPRM | 02/00/2024 | |
| Final Rule | 07/00/2025 | |

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ENVIRONMENTAL PROTECTION AGENCY (EPA) (cont.)

2070-AK64. REVISIONS TO THE FEES RULE UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Other Significant

CFR Citation: 40 CFR 700

Abstract: EPA is considering comments on the 2022 supplemental proposal to its 2021 proposed updates and adjustments to the 2018 fees rule established under the Toxic Substances Control Act (TSCA) to inform the development of a final rule. TSCA requires EPA to review and, if necessary, adjust the fees every three years, after consultation with parties potentially subject to fees. EPA is taking this action to ensure that the fees charged accurately reflect the level of effort and resources needed to implement TSCA in the manner envisioned by Congress when it reformed the law. The supplemental proposal narrowed certain proposed exemptions for entities subject to the EPA-initiated risk evaluation fees and proposed exemptions for the test rule fee activities; proposed modifications to the self-identification and reporting requirements for EPA-initiated risk evaluation and test rule fees; proposed a partial refund of fees for premanufacture notices withdrawn at any time after the first 10 business days during the

assessment period of the chemical; proposed modifications to EPA's proposed methodology for the production volume-based fee allocation for EPA-initiated risk evaluation fees in any scenario where a consortium is not formed; proposed expanding the fee requirements to companies required to submit information for test orders; proposed modifying the fee payment obligations to require payment by processors subject to test orders and enforceable consent agreements; proposed extending the timeframe for test order and test rule payments; and proposed changes to the fee amounts and the estimate of EPA's total costs for administering TSCA.

Timetable:

| Action | Date | FR Cite |
|-------------------|-------------|----------------|
| NPRM | 01/11/2021 | 86 FR 1890 |
| Supplemental NPRM | 11/16/2022 | 87 FR 68647 |
| Final Rule | 11/00/2023 | |

Agency Contact: Marc Edmonds, Office of Chemical Safety and Pollution Prevention, EPA

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2070-AK68. CONFIDENTIAL BUSINESS INFORMATION CLAIMS UNDER THE TOXIC SUBSTANCES CONTROL ACT

Other Significant

CFR Citation: 40 CFR 703

Abstract: EPA is considering proposing new and amended rules concerning the assertion and maintenance of claims of business confidentiality under the Toxic Substances Control Act (TSCA). Amendments to TSCA in 2016 included several new provisions concerning the assertion and Agency review and treatment of confidentiality claims. EPA is considering procedures for submitting and supporting such claims in TSCA submissions, including substantiation requirements, exemptions, electronic reporting enhancements, and maintenance or withdrawal of confidentiality claims. EPA is also considering finalizing procedures for reviewing and communicating with TSCA submitters about confidentiality claims. EPA expects the proposed rule may include new provisions, as well as revisions to existing rules on asserting confidentiality claims to conform to the 2016 TSCA amendments.

Timetable:

| Action | Date | FR Cite |
|----------------------|-------------|----------------|
| NPRM | 05/12/2022 | 87 FR 29078 |
| Final Rule | 06/07/2023 | 88 FR 37155 |
| Final Rule Effective | 08/07/2023 | |

Agency Contact: Jessica Barkas, Office of Chemical Safety and Pollution Prevention,
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ENVIRONMENTAL PROTECTION AGENCY (EPA) (cont.)

2070-AK90.PROCEDURES FOR CHEMICAL RISK EVALUATION UNDER TOXIC SUBSTANCES CONTROL ACT

Other Significant

CFR Citation: 40 CFR 702

Abstract: As required under the Toxic Substances Control Act (TSCA), EPA published a final rule on July 20, 2017 that established a process for conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation, under the conditions of use. This process incorporates the science requirements of the amended statute, including best available science and weight of the scientific evidence. The final rule established the steps of a risk evaluation process including: scope, hazard assessment, exposure assessment, risk characterization, and risk determination. The Agency is now considering revisions to that final rule and will solicit public comment through a notice of proposed rulemaking.

Timetable:

| Action | Date | FR Cite |
|------------|------------|---------|
| NPRM | 09/00/2023 | |
| Final Rule | 11/00/2024 | |

Agency Contact: Susanna Blair, Office of Chemical Safety and Pollution Prevention, EPA

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2060-AV18. RESCINDING THE RULE ON INCREASING CONSISTENCY AND TRANSPARENCY IN CONSIDERING BENEFITS AND COSTS IN THE CLEAN AIR ACT RULEMAKING PROCESS

Substantive, Nonsignificant

CFR Citation: 40 CFR 83

Abstract: On December 23, 2020 EPA published an immediately effective procedural rule establishing processes related to the development and consideration of benefit-cost analysis that EPA must undertake when promulgating proposed and final regulations under the Clean Air Act. In response to the January 20, 2021 Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis which directed EPA to review this action and consider a proposed rule to suspend, revise or rescind it, EPA determined that this action should be rescinded through an interim final rule because the requirements it imposed were inadvisable, untethered to the Clean Air Act, and not necessary to effectuate the purposes of this Act. EPA solicited public comment on this determination and will take appropriate final action that responds to the comments received.

Timetable:

| Action | Date | FR Cite |
|--------------------|-------------|--------------------|
| Interim Final Rule | 05/14/2021 | 86 <i>FR</i> 26406 |
| Final Rule | 09/00/2023 | |

Agency Contact: Leif Hockstad, Office of Air, EPA
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ENVIRONMENTAL PROTECTION AGENCY (EPA) (cont.)

2060-AV52. RECONSIDERATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

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 December 18, 2020, EPA published a final decision retaining the NAAQS for particulate matter (PM), which was the subject of several petitions for reconsideration. As directed by Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis", EPA is undertaking a reconsideration of the December 2020 decision to retain the PM NAAQS because the available scientific evidence and technical information indicate that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act. As part of this reconsideration, EPA developed a Supplement to the 2019 Integrated Science Assessment (ISA) and revised policy assessment to take into account the most up-to-date science on public health impacts of PM, and to engage with the Clean Air Scientific Advisory Committee and a newly constituted expert PM panel.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| NPRM | 01/27/2023 | 88 FR 5558 |
| Final Rule | 10/00/2023 | |

Agency Contact: Karen Wesson, Office of Air, EPA
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2060-AV82. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: INTEGRATED IRON AND STEEL MANUFACTURING FACILITIES

Economically Significant

CFR Citation: 40 CFR 63

Abstract: This action will amend the Integrated Iron and Steel Manufacturing Facilities NESHAP as required by the Clean Air Act. The Iron and Steel Manufacturing Facilities NESHAP was promulgated on May 20, 2003 and subsequently amended on July 13, 2006. The residual risk and technology review (RTR) was promulgated on July 13, 2020. This action will address a case in which the court held that EPA must set limits on uncontrolled hazardous air pollutant (HAP) emissions when the Agency conducts technology reviews. The NESHAP establishes emission limitations and/or work practice requirements based on maximum achievable control technology (MACT) for controlling emissions of HAP from iron-making blast furnaces; steel-making oxygen furnaces; ancillary operations; and sinter plants. The amendments must be finalized by October 26, 2023

Timetable:

Action

Date

FR Cite

NPRM

06/00/2023

Final Rule

11/00/2023

Agency Contact: Chuck French, Office of Air, EPA
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DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

1218-AC82. PROCESS SAFETY MANAGEMENT AND PREVENTION OF MAJOR CHEMICAL ACCIDENTS

Priority: Economically Significant
CFR Citation: 29 CFR 1910

Abstract: OSHA issued a Request for Information (RFI) on December 9, 2013 that identified issues related to modernization of the Process Safety Management standards and related standards necessary to meet the goal of preventing major chemical accidents.

Timetable:

| Action | Date | FR Cite |
|-------------------------|-------------|----------------|
| Request for Information | 12/09/2013 | 78 FR 73756 |
| Analyze Comments | 11/00/2023 | |

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-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. OSHA's current rulemaking is to harmonize the HCS to the seventh edition of the GHS, improve harmonization with international trading partners 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 | |
| Final Rule | 06/00/2023 | |

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-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 40 years old and does not address technological changes. OSHA 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 | 07/28/2021 | 86 FR 40651 |

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-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 final rule on Walking-Working Surfaces are unclear. The agency plans to correct a formatting error and 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 |

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-AD40. IMPROVE TRACKING OF WORKPLACE INJURIES AND ILLNESSES

Priority: Other Significant

CFR Citation: 29 CFR 1904

Abstract: In 2016, OSHA finalized a rule which, among other things, required certain establishments to electronically submit certain case-specific injury and illness information to OSHA each year. Three years later, the agency rescinded this requirement. On March 30, 2022, OSHA published a Notice of Proposed Rulemaking which would amend its occupational injury and illness recordkeeping regulation to again require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300, 301 and 300A to OSHA once a year. Establishments with 20 or more employees in certain industries would continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. OSHA also proposed to update the classification system used to determine the list of industries covered by the electronic submission requirement. Finally, OSHA proposed to remove the current requirement for establishments with 250 or more employees, not in a designated industry, to electronically submit information from their Form 300A to OSHA on an annual basis.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| NPRM | 03/30/2022 | 87 FR 18528 |
| Final Rule | 06/00/2023 | |

Agency Contact: Lee Anne Jillings, Director, Technical Support and Emergency Management, Department of Labor, OSHA, Washington, DC; Phone: 202-693-2300; Email: jillings-leeanne@dol.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 widely-used or long-standing special permits with 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. It 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 | 07/00/2023 | |

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

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2137-AF47. HAZARDOUS MATERIALS: REG 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. PHMSA seeks to ensure the HMR is amended 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 | 06/00/2023 | |

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

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2137-AF49. HAZARDOUS MATERIALS: ADOPTION OF MISCELLANEOUS PETITIONS AND UPDATING REGULATORY REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 171

Abstract: This rulemaking would adopt a number of provisions that will reduce unnecessary burdens on hazardous materials transportation, as well as support PHMSA's 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 streamline and clarify requirements.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| NPRM | 03/03/2023 | 88 FR 13624 |

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DEPARTMENT OF TRANSPORTATION (DOT) (cont.)

2137-AF57. 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, 2023, and consequently facilitate the safe global trading of hazardous materials.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| NPRM | 03/00/2024 | |

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2137-AF59. HAZARDOUS MATERIALS: ADJUSTING REGISTRATION AND FEE ASSESSMENT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 107

Abstract: PHMSA is soliciting feedback on potential adjustments to the statutorily mandated hazardous materials registration and fee assessment program. Actions such as the potential adjustment of fees or the addition of other entities among those required to register may be necessary to fund PHMSA's national emergency preparedness grant

programs at the newly authorized level in accordance with the Infrastructure Investment and Jobs Act of 2021. To fully engage with stakeholders, the ANPRM solicits comments and input on questions related to the scope of the registration and fee assessment program. Any comments, data and information received will be used to evaluate and draft proposed amendments.

Timetable:

| Action | Date | FR Cite |
|---------------|-------------|----------------|
| ANPRM | 09/22/2022 | 87 FR 57859 |
| NPRM | 09/00/2023 | |

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

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