

WELCOME



NISTM: Recent Regulatory Highlights

September 19, 2013



Environmental Protection Agency

- Gina McCarthy confirmed as the head of US EPA in July.
- McCarthy gave her first speech at Harvard Law School in late July.
- She was chosen, in part, for her work on climate change as the EPA Assistant Administrator of Air & Radiation.
- Climate Change will be a primary focus





EPA and Climate Change

- McCarthy argued that climate change solutions and other environmental protections can fit into a national and global economic agenda – and don't need to be in opposition to one another.
- McCarthy made it very clear – “Climate change will not be resolved overnight”, she said. “But it will be engaged over the next three years – that I promise you.”



Latest on Climate Change Efforts

- Specified Fuel Usage
- Renewable Fuels Program
- GHG Emissions from Power Plants
- GHG Tailoring Rule
- Emissions Reporting
- Oil & Gas Air Pollution Standards
- Geologic Sequestration of Carbon Dioxide
- Waste Energy Recovery Registry





Other EPA Rules

- Solid Waste & Emergency Response – Updates to UST Regulations
 - Final Rule expected in February 2014
 - Incorporate Changes from the Energy Policy Act of 2005 and update portions due to changes in technology
 - Add secondary containment requirements for new or replaced tanks and piping
 - Add operator training requirements
 - Add Periodic operation and maintenance requirements
 - Add new release prevention and detection technologies
 - Update codes of practice



Other EPA Rules

- Updates in improvements with electronic reporting

- RCRA

- Hazardous waste manifests
 - Fall of 2013

- NPDES

- To ensure consistency, accuracy and availability of data
 - Expected in 2014

- NSPS

- To improve emission factors
 - Electronically submit performance test data; excess emission reports and other data currently collected

Security Related Issues

- President signs Executive Order – Improving Chemical Facility Safety and Security on August 1, 2013.
- Requires:
 - Establishment of a Chemical Facility Safety and Security Working Group
 - Improve Operational Coordination with State, Local and Tribal Partners
 - Enhanced Federal Coordination







Headlines and Comments

- Senator B. Boxer – D-California

“It’s just impossible to describe their pain, Sen. Barbara Boxer said in an interview with *The Dallas Morning News*. “I think that their emotions, their loss and their grief certainly captured my heart and, I know, the heart of the president. So that’s why I think we need this.”

- A top U.S. senator today urged governors across the country to review their state requirements for handling the chemical behind the deadly West Fertilizer Co. blast and to adopt policies that will “prevent loss of life.”



Headlines and Comments

- Chemical Safety Board says law enforcement nationwide has hindered its work on accident investigations beyond West
- Citing West disaster, U.S. House bill proposes cutting millions from Homeland Security because of oversight concerns
- Owners of apartments wrecked in West explosion sue fertilizer maker CF Industries
- AUSTIN – The state plans to compile a registry of businesses with dangerous chemicals so citizens can learn about hazards like the fertilizer plant in West, where a fire triggered a massive blast of ammonium nitrate. The online database is among a handful of proposals, aired at a hearing Monday, that legislators said would not involve new laws or regulations, or increases in state spending.



Working Group Established

- Enhance information collection and sharing
- Develop policy, regulation and standards modernization
- Identify best practices
- Improve operational coordination with state, local and tribal partners
- Enhance federal coordination



Other Security Related Issues

- CFATS for certain “high-risk” petrol/gasoline terminals
 - Moving forward but only for those inland sites not currently covered by MTSA
- Personnel Surety Program
 - Provide information on employees and unescorted visitors
 - Some conflict with current TWIC rules

OSHA – Safety Update

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- New Department of Labor Head – Thomas Perez
- Previously served as Assistant Attorney General for Civil Rights at the US Dept of Justice.



OSHA – Safety Update

• Walking, Working Surfaces

- Final rule expected in fall of 2013
- Some expectations
 - More specific housekeeping rules
 - Maintenance and repair rules
 - Specifications of fixed ladders installed after 90 days of final rule
 - Newly added section of fall protection systems
 - Addresses one's duty to have fall protection
 - Addresses fall protection criteria



Rolling Stock?



Safety – OSHA Updates

Injury and Illness Prevention Program

- Proposed Rule Stage – expected to finalize in 2014
- Involves
 - Planning, implementing, evaluating and improving processes and activities that protect employee safety and health.





Other Regulatory Agendas

- Solvent Contaminated Wipes
- TRI Reporting
- TWIC Card Reader Requirements • ⇒
- PHMSA – Safety of On-Shore Hazardous Pipelines
- Process Safety Management and Flammable Liquids
- Bloodborne Pathogens



Thank You!



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