



# Regulatory Update

ASPA Summer Meeting  
July 19-20, 2010

## E15 Waiver Request Status Update

- Since last year, EPA and Dept of Energy performed multi-million dollar testing regimen
- By late September 2010, DOE testing on newer vehicles (MY2007 and younger) will be completed
  - EPA plans to take action on the waiver request and propose a labeling rule
- By November 2010, DOE testing on MY2001-2006 vehicles will be complete
  - EPA intends to make a further determination on using E-15 in these vehicles, if included, EPA will alter the label to include these vehicles before rule is finalized
- EPA has proposed abstract for mis-fueling prevention rule in its Spring 2010 reg agenda
- RE: older vehicles and non-road engines (such as chain saws and marine engines)
  - EPA indicated that insufficient data have been submitted to enable agency to make a decision on a waiver permitting E-15 for these engines



## Significant New Alternatives Policy (SNAP) Program for HFO-1234yf

- Proposes HFO-1234yf as an acceptable, subject to use conditions, MVAC substitute
- Comments were due in November 2009
- EPA received many comments to the docket
- Honeywell and DuPont announced JV in May to jointly design, construct and operate a world-scale manufacturing facility for the new refrigerant
- EPA final action expected October 2010

## Status of nPB\*

- EPA is in process of considering responses to public comment and drafting a final rule for aerosols and adhesives
- Draft report on carcinogenicity available from National Toxicology Program <http://ntp.niehs.nih.gov/go/34797>
  - Conclusion: “clear evidence” of carcinogenic action due to nPB in both rats and mice
- Final Action expected September 2010

## Chemicals of Concern

- EPA will propose a rule to add 8 phthalates (DBP, DIBP, BBP, DnPP, DEHP, DnOP, DINP, DIDP) as well as BPA and PBDEs
- Expect NPRM September 2010

## Gasoline Deposit Control Additives

- EPA will propose updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits
- Expect NPRM October 2010

## Noteworthy Long-Term EPA Actions



- **MVAC Servicing**

- EPA would propose service, maintenance, and equipment provisions, per CAA, relative to new refrigerant alternatives.

- **Amendments to Nat'l VOC Emission Standards for Consumer Products**

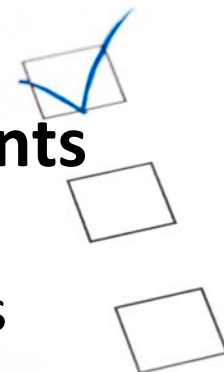
- Proposed alignment of the CP rule with the model rule adopted by Ozone Transport Commission

- **Labeling of Products Using HCFCs**

- Would require warning label for products containing or made with Class II ozone depleting substance (similar to EPA 1993 rule for Class I ODS)

## Occupational Injury and Illness Recording and Reporting Requirements

- NPRM to include Musculoskeletal Disorders (MSDs) checkbox to reporting requirements
- MEMA joined a coalition of business groups and associations, led by the U.S. Chamber of Commerce and NAM
- Docket closed March 30
  - Coalition submitted substantive comments (legal, technical and policy) against the inclusion of MSDs to OSHA Form
  - Primary concerns were related to the broad definition of MSD and whether or not was work-related; also, to the legal ramifications of this rule per a previous OSHA-NAM court settlement
- Presume the proposed Jan. 1, 2011 implementation date
- NPRM submitted to OMB on July 14, 2010



## **Injury & Illness Prevention Program (a.k.a. “I2P2”)**

- OSHA is developing a proposed rule requiring employers to implement injury and illness prevention programs (a.k.a. S&H management program)

### **What are some of the concerns?**

- Scope of Requirements and Breadth of Coverage
- Could effectively amend every OSHA standard and the General Duty Clause through a single rulemaking superimposing I2P2 requirements\*
- Places huge burdens on employers
- “Backdoor” Ergonomics Rule

**Learn More from the Coalition for Workplace Safety**

<http://workingforsafety.com/>



## Status of Hazard Communication Standard

- Published NPRM Sept. 30; Docket closed Dec. 29
- Proposes to modify existing OSHA HCS to conform with the UN-adopted Globally Harmonized System (GHS) of Classification and Labeling of Chemicals
- OSHA held hearings in March 2010
  - Post-hearing comment window closed June 2010
- Final Rule publication TBD



## Status of Combustible Dust

- OSHA had implemented a Nat'l Emphasis Program in 2008 and hosted a series of stakeholder meetings; agency was on target for a proposed rule



## However ...

- OSHA recently reclassified this as a “long-term action” item in its reg agenda
- OSHA indicated it will initiate SBREFA review by April 2011
  - Agency will consider all of the stakeholder input, the SBREFA and the NEP to inform its decision-making



# *Thank You!*



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