

## Semiannual Regulatory Agenda July 2024

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 producers, their suppliers, and/or their customers.

### ENVIRONMENTAL PROTECTION AGENCY (EPA)

#### **2040-AG02. MARKET-BASED APPROACHES UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PROGRAM**

Other Significant

CFR Citation: 40 CFR 122

**Abstract:** EPA supports market-based mechanisms, including water quality trading under the Clean Water Act (CWA). The Agency has long interpreted the CWA to allow pollutant reductions from market-based approaches such as water quality trading to achieve compliance with CWA regulatory requirements. Yet the NPDES regulations do not explicitly address market-based approaches. 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. The Agency is proposing 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.

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Timetable:

Action	Date	FR Cite
NPRM	10/00/2024	
Final Rule	11/00/2025	

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#### **2060-AV41. REVISIONS TO THE AIR EMISSION REPORTING REQUIREMENTS**

Significant

CFR Citation: 40 CFR 51

**Abstract:** This action finalizes changes to the EPA's emission inventory reporting requirements to collect data needed for the Agency to implement pollution reduction programs and address environmental justice concerns. The amendments in this action would ensure that the EPA has sufficient information to identify and solve air quality and exposure problems. The amendments would also allow the EPA to have information readily available that the Agency needs to protect public health and perform other activities under the Clean Air Act (CAA). Further, the amendments would ensure that communities have the data needed to understand significant sources of air pollution that may be impacting them – including potent carcinogens and other highly toxic chemicals linked with a wide range of chronic and acute health problems.

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Timetable:

Action	Date	FR Cite
NPRM	08/09/2023	88 FR 54118
Final Rule	07/00/2024	

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**ENVIRONMENTAL PROTECTION AGENCY (EPA) (cont.)**

**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. 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 will inform prioritization, risk evaluation and risk management of the chemical substances under TSCA.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	01/00/2025	
Final Rule	06/00/2026	

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Agency Contact: Susan Sharkey, Office of Chemical Safety and Pollution Prevention, EPA  
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**2070-AK65. UPDATES TO NEW CHEMICALS REGULATIONS UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)**

Other Significant  
CFR Citation: 40 CFR 720

Abstract: EPA is reviewing comments on the proposed amendments to the new chemicals procedural regulations under the Toxic Substances Control Act (TSCA). These amendments are intended to align the regulatory text with the statutory amendments that were made to TSCA in 2016 and impact the TSCA new chemicals review provisions, improve the efficiency of EPA's review processes, and update the regulations based on existing policies and experience implementing the New Chemicals Program. The proposal includes amendments that would reduce the need to redo all or part of the risk assessment by improving information initially submitted in new chemicals notices, which should also help reduce the length of time that new chemicals notices are under review. EPA is also proposing several amendments to the regulations for low volume exemptions and low release and exposure exemption which include requiring EPA approval of an exemption notice prior to commencement of manufacture.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	05/26/2023	88 FR 34100
Final Rule	08/00/2024	

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

**1218-AC91. EMERGENCY RESPONSE**

Priority: 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 acknowledges 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. In December 2016, the NACOSH Committee reviewed and approved the recommendations for a proposed rule. In October 2021, a Small Business Advocacy Review panel was assembled and SBREFA was concluded in December 2021.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	02/05/2024	89 FR 7774
Analyze Comments	09/00/2024	

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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. However, the GHS is a living document and has been updated several times since OSHA's rulemaking. 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.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	02/16/2021	86 FR 9576
Final Rule	05/24/2024	89 FR 44144
Final Rule Effective	07/19/2024	

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

**1218-AD00. LOCK-OUT/TAG-OUT UPDATE**

Priority: Other Significant

CFR Citation: 29 CFR 1910

Abstract: Recent technological advancements that employ computer-based controls of hazardous energy 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 standard 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. OSHA issued a Request for Information in May 2019 to understand the strengths and limitations of this new technology, as well as potential hazards to workers.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Request for Information	05/20/2019	84 FR 22756
NPRM	12/00/2024	

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**1218-AD23. WELDING IN 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 in construction. 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. The explanation of the final rule also discusses in detail how the Welding and Cutting Standard in Construction works together with the confined space 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 any perceived ambiguity about the definition of confined space that applies to welding activities in construction.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	02/00/202	

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

**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.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	05/20/2021	86 FR 27332
Re-open Rulemaking Record	07/00/2024	

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**1218-AD31. HEAT ILLNESS PREVENTION IN OUTDOOR AND INDOOR WORK SETTINGS**

Priority: Significant  
CFR Citation: Not Yet Determined

Abstract: Heat is the leading weather-related killer. Excessive heat can cause heat stroke and even death if not treated properly. It also exacerbates existing health problems like asthma, kidney failure, and heart disease. Workers in agriculture and construction are at highest risk, but the problem affects all workers exposed to heat, including indoor workers without climate-controlled environments. Heat stress killed 815 U.S. workers and seriously injured more than 70,000 workers from 1992 through 2017. However, this is likely a vast underestimate given that injuries and illnesses are under-reported in the United States. OSHA was petitioned by Public Citizen for a heat stress standard in 2018 and 2019 and in 2021 some members of the Senate also urged OSHA to initiate rulemaking to address heat stress. More recently, members of both the House of Representatives and the Senate have requested the agency promulgate a standard. OSHA has had extensive engagement with stakeholders and published an ANPRM on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings in 2021 to begin a dialogue with stakeholders to explore the potential for rulemaking on this topic. On May 3, 2022, PHMSA held a virtual public stakeholder meeting on the Agency's initiatives to protect workers from heat-related hazards. A National Advisory Committee on Occupational Safety and Health (NACOSH) was established and the group presented its recommendations on potential elements of a proposed heat injury and illness prevention standard. OSHA also completed its SBREFA Panel in 2023.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	10/27/2021	86 FR 59309
Initiate SBREFA	06/02/2023	
Complete SBREFA	11/03/2023	
NPRM	08/00/2024	

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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.

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Timetable:

Action	Date	FR Cite
NPRM	08/00/2024	

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

Priority: Substantive, Nonsignificant  
CFR Citation: 49 CFR 171

Abstract: PHMSA published the ANPRM to solicit stakeholder feedback on initiatives they are considering that may modernize the HMR and improve efficiencies while maintaining or improving a current high level of safety. To fully engage with stakeholders, this ANPRM solicited comments and input on questions related to 46 distinct topics under consideration. The comments, data and information received will be used to evaluate and potentially draft proposed amendments.

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Timetable:

Action	Date	FR Cite
ANPRM	07/05/2023	88 FR 43016
NPRM	10/00/2024	

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DEPARTMENT OF TRANSPORTATION (DOT) (cont.)

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

Priority: Substantive, Nonsignificant  
CFR Citation: 49 CFR 107

**Abstract:** In order to account for increased transport of hazardous materials as well as the burdens such transport places on first responders, PHMSA proposes overdue updates to the registration fees for persons who transport or offer for transportation certain categories and quantities of hazardous materials. PHMSA's proposal would increase the annual fee to be paid by those registrants qualifying as a small business by \$15 to \$375 and by those registrants not qualifying as a small business by \$425 to \$3,000. Actions such as fee adjustments are necessary to fund PHMSA's Hazardous Materials Emergency Preparedness grants program at newly authorized levels in accordance with the Infrastructure Investment and Jobs Act. PHMSA also proposes to implement an electronic-only registration fee payment process. Finally, PHMSA proposes to revise requirements to clarify that a certificate of registration may be carried in either electronic or paper form for both motor carriers and those who transport hazardous materials by vessel.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	09/22/2022	87 FR 57859
NPRM	05/24/2024	89 FR 45806

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**2137-AF62. HAZARDOUS MATERIALS: MODERNIZING REGULATORY REQUIREMENTS AND RESPONDING TO STAKEHOLDER PETITIONS**

Priority: Substantive, Nonsignificant  
CFR Citation: 49 CFR 171

**Abstract:** This rulemaking would amend the Hazardous Materials Regulations (HMR) by adopting a number of provisions that will modernize and streamline the HMR to better clarify PHMSA regulations, as well as support our safety mission. In addition, this rulemaking would address a number of petitions for rulemaking submitted by HAZMAT transportation stakeholders that will improve the HMR to reflect the latest industry best practices and the use of new technologies.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	08/00/2024	

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**DEPARTMENT OF TRANSPORTATION (DOT) (cont.)**

**2137-AF64. HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS**

Priority: Substantive, Nonsignificant  
CFR Citation: 49 CFR 171

Abstract: The federal hazardous materials (HAZMAT) transportation law requires the Secretary of Transportation to ensure that regulations governing HAZMAT transportation 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) to maintain alignment with international standards that become effective January 1, 2025 and facilitate the safe global trade of HAZMAT.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	10/00/2024	

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Agency Contact: Candace Casey, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590  
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**2137-AF66. HAZMAT: REVISIONS TO THE LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES**

Priority: Substantive, Nonsignificant  
CFR Citation: 49 CFR 172

Abstract: In this rulemaking, PHMSA would amend the Hazardous Materials Regulations by revising the list of hazardous substances and reportable quantities. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires PHMSA to list and regulate all hazardous substances designated by statute by EPA. EPA recently revised their list of hazardous substances through notice and comment rulemaking. This rulemaking simply harmonizes the lists to better enable shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements and make required notifications if the release of a hazardous substance occurs during transport.

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Timetable:

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Rule	10/00/2024	

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Agency Contact: Yul Baker, Transportation Regulations Specialist, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590  
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**DEPARTMENT OF TRANSPORTATION (DOT) (cont.)**

2137-AF68. HAZMAT: MODERNIZING REGULATIONS TO FACILITATE TRANSPORTATION OF HAZMAT USING AUTONOMOUS SYSTEMS

Priority: Substantive, Nonsignificant

CFR Citation: 49 CFR 172

Abstract: In this rulemaking, PHMSA would amend the HMR to address the role of autonomous transportation systems in HAZMAT transportation. The rulemaking will consider clarifications to the HMR regarding handling, transportation and hazard communication unique to the movement of HAZMAT by autonomous transport systems. PHMSA would coordinate closely with its modal partners to ensure a comprehensive approach that allows for seamless movement of goods across multiple modes of transport while allowing for specific needs of each mode to be safely addressed.

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Timetable:

**Action**

ANPRM

**Date**

01/00/2025

**FR Cite**

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