

### 3. REGULATIONS

#### A. Air Pollution from Heavy-Duty Highway Engines and Vehicles (EPA)

On October 6, 2000, (65 FR 59896), the U.S. Environmental Protection Agency (EPA) promulgated a final rule (40 CFR parts 85 and 86) that finalizes a major new program to reduce emissions from on-highway heavy-duty engines and vehicles. These reductions will provide for cleaner air and greater public health protection, primarily by reducing ozone pollution. A key element of this action is a reaffirmation of the technical and economic feasibility of the non-methane hydrocarbon plus nitrogen oxide standard promulgated in October 1997 for diesel heavy-duty engines. This previously codified standard will therefore remain unchanged and effective starting with the 2004 model year for heavy-duty diesel engines. This standard represents about a 50 percent reduction in emissions of nitrogen oxides, as well as reductions in hydrocarbons, from diesel trucks and buses. Heavy-duty diesel engines and vehicles will also be subject to new test procedures and associated requirements beginning in the 2007 model year that will ensure that emission standards are met across a broad range of engine operating conditions.

In addition, this action puts in place new more stringent emission standards and related provisions for heavy-duty Otto-cycle (e.g., gasoline-fueled) engines and vehicles, beginning in the 2005 model year or sooner under two optional programs. For heavy-duty Otto-cycle engines and vehicles affected by this action, emission standards for nitrogen oxides and hydrocarbons are reduced by approximately 75 percent from current standards. EPA is also finalizing requirements for on-board diagnostics systems for all heavy-duty vehicles and engines at or below 14,000 pounds gross vehicle weight rating, as well as revising the on-board diagnostics requirements for diesel light-duty vehicles and trucks.

The requirements promulgated or reaffirmed in this action will result in lower emissions of oxides of nitrogen and of hydrocarbons, as well as lower particulate matter due to reductions in secondary particulate formation, and will assist states and regions facing ozone air quality problems that are causing a range of adverse health effects, particularly respiratory impairment and related illnesses. (Secondary particulate matter is not emitted directly from the engine, but is formed when emissions of oxides of nitrogen react with ammonia in the atmosphere to produce ammonium nitrate particulates.) In addition, the program will reduce the contribution of the on-highway heavy-duty category to other serious public health and environmental problems, including volatile organic compounds, secondary particulate matter, and toxic air pollutants.

B. Harmonization with International Standards (RSPA)

On October 23, 2000, (65 FR 63294), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation (DOT), published a proposed rule (49 CFR parts 171, 172, 173, 174, 175, 176, 177, 178, and 180) to maintain alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. In addition, RSPA proposes to revise the requirements for intermediate bulk containers and United Nations portable tanks for alignment with international requirements. Because of recent changes to the International Maritime Organization's International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations), these proposed revisions are necessary to facilitate the transport of hazardous materials in international commerce, while at the same time ensuring the safety of people, property, and the environment.

On December 21, 1990, RSPA published a final rule based on the UN Recommendations that comprehensively revised the U.S. hazardous materials regulations (HMR, 49 CFR parts 171-180) with respect to hazard communication, classification, and packaging requirements. Since publication of the 1990 final rule, RSPA has issued three additional international harmonization final rules. The rules provided additional harmonization with the international air and sea transportation requirements by more fully aligning the HMR with the corresponding biennial updates of the UN Recommendations, the IMDG Code, and the ICAO Technical Instructions.

This proposed rule concerns changes to the HMR based on the 11<sup>th</sup> revised edition of the UN Recommendations, the 2001-2002 ICAO Technical Instructions, and Amendment 30 to the IMDG Code. Petitions for rulemaking pertinent to harmonization with international standards and the facilitation of international transportation are also addressed in this proposed rule. Other proposed changes are based on feedback from the regulated industry, RSPA, and other DOT modal administrations, including a few proposed editorial clarifications and a Class 1 (explosives) placarding allowance for certain compatibility groups.

For further information, contact Ms. Joan McIntyre, Office of Hazardous Materials Standards, (phone: (202) 366-8553), or Mr. Bob Richard, Assistant International Standards Coordinator, (phone: (202) 366-0656), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

the movement of PCB waste among any states of the United States for the purpose of disposal, and that such movement is not considered “import.” This interpretation will allow U.S. territories and possessions that fall outside of the definition of “customs territory of the United States” to dispose of their PCB waste in the mainland of the United States where facilities are available that can properly dispose of PCB waste. Thus, the rule would ensure that a safe and viable mechanism exists for the protection of health and the environment for those citizens in areas of the United States where facilities are not available for the proper management and disposal of PCB waste. Because disposal of these wastes may occur only at approved facilities, no unreasonable risks to health or the environment on the mainland United States will be created by this rule.

For further information, contact Ms. Barbara Cunningham, Environmental Assistance Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (phone: (202) 554-1404).

#### D. Reporting Marine Casualties (CG)

On November 2, 2000, (65 FR 65808), the Coast Guard (CG), U.S. Department of Transportation, published a proposed rule (33 CFR parts 151 and 153 and 46 CFR part 4) to amend the marine casualty reporting requirements by adding “significant harm to the environment” as a reportable marine casualty. This proposed rulemaking would help the Coast Guard track and investigate marine casualties that may result in significant harm to the environment. In addition, it would lessen the effects of marine casualties by requiring timely notification needed to ensure a timely and appropriate pollution response clean-up. This amendment would require U.S. vessels anywhere, foreign vessels in the U.S. navigable waters, and foreign tank vessels in the U.S. Exclusive Economic Zone to report a discharge or a substantial threat of discharge involving oil, hazardous substances, marine pollutants, or noxious liquid substances to the Coast Guard. For the purposes of this rulemaking, the Coast Guard equates the term “substantial threat of a discharge” to the term “probable discharge” as used in the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78).

For further information, contact Ensign Edward Jackson, Office of Standards Evaluation and Development (G-MSR), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-6884).

the United States is a party to the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78), the Coast Guard must amend its rules to ensure that they stay consistent with the Bulk Chemical Codes of the International Maritime Organization (IMO). This rule addresses noxious liquid substances in bulk, obsolete hazardous materials in bulk, and current hazardous materials in bulk.

The Coast Guard is revising its rules, tables, and lists on carriage of hazardous materials in bulk by deleting from those rules, tables, and lists those commodities that are no longer liquid cargoes transportable in bulk, and by canceling the classifications of obsolete commodities not included in those rules, tables, and lists. Also, the Coast Guard is revising its rules on carriage of hazardous materials in bulk by adding cargoes recently authorized for carriage by the Coast Guard or added to the IMO Bulk Chemical Codes, and by making minor technical and editorial changes.

For further information, contact Mr. Curtis G. Payne, Hazardous Materials Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-1217).

#### F. Ergonomics Program (OSHA)

On November 14, 2000, (65 FR 68262), the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, issued a final Ergonomics Program standard (29 CFR 1910. 900) to address the significant risk of employee exposure to ergonomic risk factors in jobs in general industry workplaces. Exposure to ergonomic risk factors on the job leads to musculoskeletal disorders (MSDs) of the upper extremities, back, and lower extremities.

The standard contains an “action trigger,” which identifies jobs with risk factors of sufficient magnitude, duration, or intensity to warrant further examination by the employer. This action trigger acts as a screen. When an employee reports an MSD, the employer must first determine whether the MSD is an MSD incident, defined by the standard as an MSD that results in days away from work, restricted work, medical treatment beyond first aid, or MSD symptoms or signs that persist for 7 or more days. Once this determination is made, the employer must determine whether the employee’s job has risk factors that meet the standard’s action trigger. The risk factors addressed by this standard include repetition, awkward posture, force, vibration, and contact stress. If the risk factors in the employee’s job do not exceed the action trigger, the employer does not need to implement an ergonomics program for that job.

The final standard would affect approximately 6.1 million employers and 102 million employees in general industry workplaces, and employers in these workplaces would be required over the 10 years following the promulgation of the standard to control approximately 18 million jobs with the potential to cause or contribute to covered MSDs. OSHA estimates that the final standard would prevent about 4.6 million work-related MSDs over the next 10 years, have annual benefits of approximately \$9.1 billion, and impose annual compliance costs of \$4.5 billion on employers.

For further information, contact the Associate Solicitor for Occupational Safety and Health, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, or contact OSHA's Ergonomics Team at (202) 693-2116. Information is also available on the OSHA Internet Home Page at <http://www.osha.gov>.

G. Asbestos Worker Protection (EPA)

On November 15, 2000, (65 FR 69210), the U.S. Environmental Protection Agency (EPA) promulgated a final rule (40 CFR part 763) that amends both the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. The WPR amendment protects state and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting for these employees the Asbestos Standards of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. The WPR's coverage is extended to state and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. This final rule cross-references the OSHA Asbestos Standards for Construction and for General Industry, so that future amendments to these OSHA standards are directly and equally effective for employees covered by the WPR. The amendments to the Asbestos-in-Schools Rule provide coverage under the WPR for employees of public local education agencies who perform operations, maintenance, and repair activities. EPA issued this final rule under section 6 of the Toxic Substances Control Act (TSCA).

For further information, contact Ms. Barbara Cunningham, Environmental Assistance Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (phone: (202) 554-1404).

G. Cargo Securing (CG)

Under SOLAS, all cargo vessels engaged on international voyages and equipped with cargo securing systems or individual securing arrangements must have a flag state approved cargo securing manual (CSM). Vessel types affected include general-cargo vessels, cellular containerships, roll-on/roll-off vessels, passenger/cargo vessels, supply vessels, bulk vessels capable of carrying non-bulk cargo, heavy lift ships, freight ships carrying packaged or break-bulk cargoes, and other similar vessels. Any vessel engaged solely in the carriage of bulk solids or liquid cargoes is exempt from the requirements for a CSM. To conform to these SOLAS requirements, CSMs must provide up-to-date information and guidance to assist a vessel's master and crew regarding the proper use of the equipment available to adequately stow and secure the vessel's cargo.

For further information, contact Mr. Bob Gauvin, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (phone: (202) 267-1053).

#### H. Pipeline Integrity Management (RSPA)

On December 1, 2000, (65 FR 75378), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, published a final rule (49 CFR part 195) that specifies regulations to assess, evaluate, repair, and validate through comprehensive analysis the integrity of hazardous liquid pipeline segments that, in the event of a leak or failure, could affect populated areas, areas unusually sensitive to environmental damage, and commercially navigable waterways. The RSPA Office of Pipeline Safety (OPS) is requiring that an operator develop and follow an integrity management program that provides for continually assessing the integrity of all pipeline segments that could affect these high consequence areas, through internal inspection, pressure testing, or other equally effective assessment means. The program must also provide for periodically evaluating the pipeline segments through comprehensive information analysis, remediating potential problems found through the assessment and evaluation, and ensuring additional protection to the segments and the high consequence areas through preventive and mitigative measures.

The final rule requires an operator to take prompt action to address the integrity issues raised by the assessment and analysis. This means an operator must evaluate all defects and repair those that could reduce a pipeline's integrity. An operator must develop a schedule that prioritizes the defects for evaluation and repair, including time frames for promptly reviewing and analyzing the integrity assessment results and completing the repairs. An operator must also provide additional protection for these pipeline segments through other remedial actions, and preventive

## I. CZMA Federal Consistency (NOAA)

On December 8, 2000, (65 FR 77124), the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, published a final rule (15 CFR part 930) that revises the regulations implementing the federal consistency provision of the 1972 Coastal Zone Management Act (CZMA). The Coastal Zone Act Reauthorization Amendments of 1990, as well as the Coastal Zone Protection Act of 1996, amended and reauthorized the CZMA. Among the amendments were revisions to the federal consistency requirement contained in section 307 of the CZMA. Current federal consistency regulations were promulgated in 1979 and are in need of revision after 20 years of implementation. The purpose of this final rule is to make such revisions.

The CZMA was enacted to develop a national coastal management program that comprehensively manages and balances competing uses of and impacts to any coastal use or resource. The national coastal management program is implemented by individual state management programs in partnership with the federal government. The CZMA federal consistency requirement, CZMA section 307, requires that federal agency activities be consistent to the maximum extent practicable with the enforceable policies of a management program. The federal consistency requirement also requires that nonfederal activities requiring federal permits or licenses or which receive federal financial assistance be fully consistent with a state's federally approved management program. The federal consistency requirement is an important mechanism to address coastal effects, to ensure federal consideration of state management programs, and to avoid conflicts between states and federal agencies by fostering early consultation and coordination.

For further information, contact Mr. David W. Kaiser, Federal Consistency Coordinator, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910, (phone: (301) 713-3155, extension 144).