

Regulation Digest Weekly

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Rulemaking

Environmental Protection Agency

EPA Publishes Proposed NAAQS for Particulate Matter

The Environmental Protection Agency published a [proposed rule](#) that would set National Ambient Air Quality Standards (NAAQS) for particulate matter (PM); the rule proposes revisions both to the current primary and secondary standards. “The EPA also proposes revisions to the prevention of significant deterioration (PSD) permitting program with respect to the proposed NAAQS revisions. With regard to primary standards for fine particles (generally referring to particles less than or equal to 2.5 micrometers (μm) in diameter, $\text{PM}_{2.5}$), the EPA proposes to revise the annual $\text{PM}_{2.5}$ standard by lowering the level to within a range of 12.0 to 13.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), so as to provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease) and to retain the 24-hour $\text{PM}_{2.5}$ standard. The EPA proposes changes to the Air Quality Index (AQI) for $\text{PM}_{2.5}$ to be consistent with the proposed primary $\text{PM}_{2.5}$ standards.” EPA proposes to change secondary PM standards by adding a “distinct standard” for $\text{PM}_{2.5}$ specifically for PM-related visibility impairment, while current standards will address welfare effects. While EPA is prohibited from considering costs when setting NAAQS, the Agency puts benefits of the rule at between \$88 million and \$220 million. [Comments](#) on this proposed rule are due on August 31st.

Department of Energy

DOE Extends Comment Period for \$251.9 Million Battery Energy Efficiency Rule

The Department of Energy is [extending](#) the comment period for a proposed rule setting energy efficiency standards for battery chargers and other external power supplies. The economically significant rule, initially proposed on March 27th, will incur an estimated yearly equipment cost of \$251.9 million, with an energy savings of between \$0.16 and \$40.78 to consumers, depending on the product. Some covered products will require almost four years of steady use before consumers recover the higher cost of appliances through longer-term energy savings. Of the \$325.2 million in annual benefits calculated by the Agency, \$52.3 million come from reductions in CO_2 emissions. [Comments](#) on this rule are now due to the Department by July 16th.

Agencies

Consumer Product Safety Commission

CPSC Releases Policy Statement on Animal Testing for Toxicity Determinations

The Consumer Product Safety Commission released a [policy statement](#) on the use of animal testing to determine toxicity and hazards posed to humans. The Federal Hazardous Substances Act (FHSA) requires cautionary labeling on household products informing consumers of potential hazards they pose; to determine what type of cautionary labeling is appropriate, potential household hazards must be evaluated using objective criteria. Some hazards, such as toxicity, tissue corrosiveness, eye irritancy, and skin irritancy, can only be tested from the biological response of living tissue and organs to the presence of the hazardous substance. In these cases, animal testing is used as a proxy for human biological response. The new policy states that “the Commission prefers test methods that reduce stress and suffering in test animals and that use none or fewer animals while maintaining scientific integrity. The Commission strongly supports the use of validated alternatives to animal testing.” CPSC provides some guidelines for how to accomplish these goals while maintaining the validity of hazards testing.

CPSC simultaneously published a [proposed rule](#) that would amend previous regulations to make “clear that the animal tests are not the only means to test or define a product’s toxicity under the FHSA, nor are they the only methods used by the CPSC to assess product toxicity.” [Comments](#) on this proposed rule are due September 12th.

Department of Energy

DOE Announces \$62 Million to Fund Biofuel Industry Advancement

The Department of Energy [announced](#) the availability of \$30 million in public funds to match private grants supporting the development of new technologies to advance the biofuels industry, with an additional \$32 million in unmatched funding “for earlier stage research that will continue to drive technological breakthroughs and additional cost reductions in the industry.” DOE will be awarding grants for projects proposed by small businesses, universities, national laboratories and industry, “and will seek to overcome various technical and scientific barriers to cost-competitive advanced biofuels and bioproducts... The new investments announced today build on the steps the Energy Department is already taking to push the boundaries of biofuel technologies and move towards commercial-scale production at refineries across the country.”

Environmental Protection Agency

EPA Holds Two Public Meetings on Proposed NAAQS for Particulate Matter

The Environmental Protection Agency [announced](#) two public hearings on the Agency’s proposed National Ambient Air Quality Standard rule for Particulate Matter (PM_{2.5}). “In this rulemaking, the EPA is proposing to make revisions to the primary and secondary national ambient air quality standards (NAAQS) for particulate matter (PM) to provide requisite protection of public health and welfare, respectively, and to make corresponding revisions to the data handling conventions for PM and ambient air monitoring, reporting, and network design requirements. The EPA is proposing changes to the Air Quality Index (AQI) to be consistent with the proposed primary standards. In addition, the EPA is proposing revisions to the prevention of significant deterioration (PSD) permitting program with respect to the proposed NAAQS revisions.” The meetings will be in Sacramento, California on July 19th, and Philadelphia, Pennsylvania on July 17th.

Occupational Safety and Health Administration

OSHA Releases Hazard Alert for Fracking-related Silica Exposure

The Occupational Safety and Health Administration released a [hazard alert](#) on the potential health hazards associated with hydraulic fracturing, particularly worker exposure to silica. According to the hazard alert, recent field studies indicate that during fracking, workers are exposed to dust with high levels of respirable crystalline silica (silica), which is used during high pressure injection into drilling holes. These field studies show that many air samples from the fracking sites studied “showed silica levels for workers in and around the dust generation points above defined occupational exposure limits,” some of which cannot be effectively combated by using a face mask.