**The below regulatory summaries were referenced from the U.S. Northern Review publications and Fedcenter.gov.**

## STATE

**FINAL:**

**ACCREDITATION AND TRAINING FOR LEAD PAINT ABATEMENT SERVICES.** The Maryland Department of the Environment (MDE) has [adopted](#) amendments to Regulations .08 and .20 under COMAR 26.16.01, Accreditation and Training for Lead Paint Abatement Services. The amendments remove the project designer accreditation and fee provisions from the regulation to reduce confusion. The amendments became effective 18 JUN 18.

## FEDERAL

**FINAL:**

**EPA REGULATORY AGENDA CHANGES.** EPA has withdrawn several proposed pesticide rules identified in the Regulatory Agenda ([83 FR 20004](#)). The agency no longer intends to pursue these regulatory efforts. The withdrawn rules are: (1) Plant-Incorporated Protectants—In 1994 EPA proposed two rules to exempt certain plant incorporated protectants from Federal Insecticide, Fungicide, and Rodenticide Act regulation; (2) Groundwater and Pesticide Management Plan Rule—In 1996 EPA proposed, through the use of State Management Plans, to provide states with the flexibility to restrict use of certain pesticides to protect groundwater; and (3) Registration for Antimicrobial Pesticide Products—In 1999 EPA proposed registration and labeling requirements for antimicrobial pesticides.

**ADDITION OF NONYLPHENOL ETHOXYLATES (NPES) TO EPCRA REPORTING.** EPA issued a final rule adding an NPES category to the list of toxic chemicals subject to reporting under section 313 of EPCRA and section 6607 of the Pollution Prevention Act ([83 FR 27291](#)). EPA has determined that NPES meet the EPCRA toxicity criteria. NPES are nonionic surfactants that are used in detergents, paints, pesticides, personal care products, and plastics. The final rule becomes effective 30 NOV 18 and will apply for the reporting year beginning 1 JAN 19.

**REPORTING REQUIREMENTS FOR TSCA MERCURY INVENTORY.** EPA issued a final rule addressing reporting requirements to develop an inventory of mercury supply, use, and trade in the U.S., where “mercury” is defined as “elemental mercury” and “a mercury compound” ([83 FR 30054](#)). The rule adds new 40 CFR Part 713 (Reporting Requirements) for the TSCA Inventory of Mercury Supply, Use, and Trade. Manufacturing reporting thresholds are greater than or equal to 2,500 pounds for elemental mercury or greater than or equal to 25,000 pounds for mercury compounds. A Mercury Electronic Reporting application must be used to complete and submit required information; it is accessed via EPA’s [Central Data Exchange (CDX)](#). The final rule becomes effective 27 AUG 18.

**BERYLLIUM STANDARDS—CLARIFYING AMENDMENTS.** The Occupational Safety and Health Administration (OSHA) issued a direct final rule to clarify its [2017 general industry standard](#) for exposure to beryllium and beryllium compounds ([83 FR 19936](#)). The final rule became effective 6 JUL 18.

**PROPOSED:**

**REVIEW OF DUST-LEAD HAZARD STANDARDS.** EPA issued a proposed rule to lower the dust-lead hazard standards ([83 FR 30889](#)). EPA proposed to change the dust-lead hazard standards from 40 μg/ft² and 250 μg/ft² to 10 μg/ft².
and 100 μg/ft² on floors and window sills, respectively. These standards apply to most pre-1978 housing and child-occupied facilities, such as day care centers and kindergarten facilities. EPA has not proposed changes to the current definition of lead-based paint because the agency currently lacks sufficient information to support such a change.

**ASBESTOS SIGNIFICANT NEW USE RULE.** Under TSCA, EPA proposed a significant new use rule (SNUR) for asbestos as defined under the Asbestos Hazard Emergency Response Act (83 FR 26922). The proposed significant new use of asbestos, including as part of an article, is manufacturing, importing, or processing for certain uses identified by EPA as no longer ongoing. The following uses are subject to this proposed SNUR: adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; extruded sealant tape and other tape; filler for acetylene cylinders; high-grade electrical paper; millboard; missile liner; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; and any other building material other than cement. Persons subject to the SNUR would be required to notify EPA at least 90 days before commencing any manufacturing, importing, or processing of asbestos for a significant new use.

**LEAD-BASED PAINT RENOVATION, REPAIR, AND PAINTING RULE.** The Office of Inspector General (OIG) for EPA issued notice that it wants “to determine whether the EPA has an effective strategy to implement and enforce” the agency’s lead-paint rule. The OIG notice comes as EPA is subject to a court-ordered deadline to propose an update to its standard for lead dust hazards and the regulatory definition of lead-based paint. In a related action, on MAR 30, 2018, EPA withdrew a draft lead dust rule in response to a 90-day extension to the court-ordered deadline.

**OTHER:**

**RISK EVALUATIONS TO BE CONDUCTED UNDER TOXIC SUBSTANCES CONTROL ACT (TSCA).** EPA is publishing and taking comments on the problem formulation documents for the first 10 chemical substances undergoing risk evaluation under TSCA (83 FR 26998). The 10 substances are: (1) asbestos; (2) 1-bromopropane; (3) 1,4-dioxane; (4) carbon tetrachloride; (5) cyclic aliphatic bromide cluster (HBCD); (6) methylene chloride; (7) n-methylpyrrolidone (NMP); (8) pigment violet 29; (9) tetrachloroethylene (perchloroethylene); and (10) trichloroethylene (TCE).

**DRAFT TOXICOLOGICAL PROFILE FOR PERFLUOROALKYLS.** The Agency for Toxic Substances and Disease Registry (ATSDR) has issued a Draft Toxicological Profile for Perfluoroalkyls for review and comment (83 FR 28849). All toxicological profiles issued as “drafts for public comment” represent ATSDR’s best efforts to provide important toxicological information on priority hazardous substances. The Draft Toxicological Profiles are available here.

**PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS).** In May, EPA held a two-day meeting on per- and polyfluoroalkyl substances (PFAS). According to a press release, EPA will (1) initiate steps to evaluate the need for a maximum contaminant level for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS); and (2) begin steps to propose designating PFOA and PFOS as hazardous substances through one of the available statutory mechanisms, including potentially under CERCLA Section 102. In addition, EPA maintains a website that identifies actions the agency has taken or intends to take regarding PFAS.

In a related matter, the intergovernmental Organization for Economic and Co-operation and Development released an updated database of PFAS, identifying 4,730 PFAS that have at least one perfluoroalkyl moiety.

**TOXICOLOGICAL PROFILES.** The Agency for Toxic Substances Disease Registry (ATSDR) has initiated development of another set of toxicological profiles and has requested public input into which substances it should consider (83 FR 17177). The nomination process includes consideration of all substances on ATSDR's Substance Priority List (SPL), as well as other substances nominated by the public.
STATE

PROPOSED:

**SB 500 (HB 116) PROHIBITION ON USE OF CHLORPYRIFOS.** SB 500 prohibits, as of 1 JAN 19, the use of chlorpyrifos in the state, including any insecticide that contains chlorpyrifos. Chlorpyrifos is an organophosphate insecticide, acaricide, and miticide used primarily to control foliage and soil-borne insect pests. The bill was referred to the Education, Health, and Environmental Affairs Committee.

FEDERAL

FINAL:

**ADOPTION OF 2017 NAICS CODES FOR TRI REPORTING.** EPA issued a final rule updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the Office of Management and Budget 2017 NAICS code revision (82 FR 60906). Facilities will be required to use 2017 NAICS codes beginning with TRI reporting forms that are due 1 JUL 18, covering releases and other waste management quantities for the 2017 calendar year. EPA issued an August 2017 direct final rule to update the list, but due to adverse comment the rule was withdrawn. This final rule promulgates the update and addresses the comment received. The final rule became effective 1 JAN 18.

**OCCUPATIONAL EXPOSURE TO BERYLLIUM.** The Occupational Safety and Health Administration (OSHA) has announced it will start enforcement of the final rule on occupational exposure to beryllium in general industries, construction, and shipyards. In January 2017, OSHA issued new comprehensive health standards addressing exposure to beryllium in all industries. In response to feedback from stakeholders, the agency is considering technical updates to the January 2017 general industry standard, which will clarify and simplify compliance with requirements.

**PESTICIDE REGISTRATION—ENDANGERED SPECIES CONSULTATION.** According to an EPA news release, EPA Administrator Scott Pruitt signed a Memorandum of Agreement (MOA) between EPA, DOI, and the Department of Commerce. The MOA establishes an interagency working group to evaluate and improve the Endangered Species Act (ESA) consultation process for pesticide registration. Through the MOA EPA, FWS, and NMFS will request the U.S. Department of Agriculture, the Council on Environmental Quality (CEQ) and the Office of Management and Budget join the interagency working group and that CEQ serve as its chair. The working group will coordinate and support agencies in meeting their obligations for pesticide consultation at the nexus of the Federal Insecticide, Fungicide and Rodenticide Act and ESA.

**2018 ANNUAL REPORT ON RISK EVALUATIONS UNDER TSCA.** EPA issued the second annual report on risk evaluations as required under the amended Toxic Substances Control Act (TSCA). The 2018 Annual Report on Risk Evaluations Under TSCA identifies the next steps for the first 10 chemical reviews currently underway and describes EPA’s work in 2018 to prepare for future risk evaluations. By 22 DEC 19, EPA will have designated 20 substances as Low-Priority and initiated risk evaluations on 20 High-Priority substances. To support these risk evaluations and other key aspects of TSCA implementation, EPA has made available a prepublication copy of a proposed TSCA fees rule.
**PROPOSED:**

**CHLOROFORM IRIS ASSESSMENT.** EPA has released the Systematic Review Protocol for the Integrated Risk Information System (IRIS) Chloroform Assessment (Inhalation) for public comment (83 FR 4480). The protocol describes the systematic review procedures and other methodology planned for use in developing the chloroform assessment. For more information about the chloroform toxicological review, click here.

**MINIMUM AGE REQUIREMENTS UNDER CERTIFICATION OF PESTICIDE APPLICATORS RULE.** EPA has initiated a rulemaking process to revise the minimum age requirements in the Certification of Pesticide Applicators rule (82 FR 60195). EPA expects to publish a Notice of Proposed Rulemaking in 2018 to solicit public input on the proposed revisions to the rule. EPA has also announced that the implementation dates for certifying authorities to submit revised certification plans and for EPA to act on those plans, as identified in the 4 JAN 17 final rule, remain in effect. EPA has no plans to change the implementation dates.

**RISK ASSESSMENT FOR GYPSOSATE.** EPA has announced the release of the draft human health and ecological risk assessments for glyphosate, a widely used herbicide. The draft human health risk assessment concludes that glyphosate is not likely to be carcinogenic to humans. The agency’s assessment found no other meaningful risks to human health when the product is used according to the pesticide label. EPA’s human health review evaluated dietary, residential/non-occupational, aggregate, and occupational exposures. The ecological risk assessment indicates that there is potential for effects on birds, mammals, and terrestrial and aquatic plants. Full details on the potential effects as well as the EPA’s methods for estimating them, are found within the ecological risk assessment.

**RISK ASSESSMENTS FOR NEONICOTINOIDs.** EPA has announced the release of the preliminary ecological and human health risk assessments for three neonicotinoid insecticides and a preliminary ecological risk assessment for one neonicotinoid insecticide. Ecological and human health risk assessments were developed for clothianidin, thiamethoxam, and dinotefuran and the ecological risk assessment was developed for imidacloprid.

**OTHER:**

**HOUSEHOLD LEAD PAINT, LEAD DUST.** In December, the United States Court of Appeals for the Ninth Circuit ordered EPA to propose a new standard for lead inside homes within 90 days, and to promulgate a final rule within one year of the proposed rule. The agency has been working on new standards for lead in household paint, dust, and soil since 2011. EPA estimated to the court that it needed another six years to promulgate a final rule.

**NATIONAL LEADERSHIP SUMMIT—PFAS.** EPA announced it will convene a National Leadership Summit to take action on per- and polyfluoroalkyl substances (PFAS) in Washington, D.C., 22-23 MAY 18. EPA plans to develop a PFAS Management Plan for release later in 2018.

**PFAS FACT SHEETS.** The Interstate Technology and Regulatory Council (ITRC) has developed six fact sheets to summarize the latest science and emerging technologies for PFAS. The fact sheets are tailored to the needs of state regulatory program personnel who are tasked with making informed and timely decisions regarding PFAS-impacted sites. The content is also useful to consultants and parties responsible for the release of these contaminants, as well as public and tribal stakeholders. Click here to view links for the ITRC PFAS fact sheets.

**CERTAIN NEW CHEMICALS OR SIGNIFICANT NEW USES.** EPA has presented statements of findings on TSCA section 5(a) notices from 1 DEC 17 to 31 DEC 17 (83 FR 10476) and 1 JAN 18 to 31 JAN 18 (83 FR 13126). Section 5(g) of TSCA requires EPA to publish a statement of findings after its review of TSCA section 5(a) notices when EPA finds that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health
or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5.

2016 TRI NATIONAL ANALYSIS. In January, EPA announced the release of the 2016 Toxic Release Inventory (TRI) National Analysis. The publicly available database shows that industrial facilities continue to reduce the releases of TRI chemicals through pollution reduction activities. The database includes easily accessible tools to learn more about the practices implemented to both manage waste and reduce pollution at nearly 22,000 facilities that submitted TRI data for calendar year 2016. For more information, click here.

EPA SEMIANNUAL REGULATORY AGENDA. EPA has released its Semiannual Regulatory Agenda (83 FR 1932). Among the items on the agenda are a review of lead-based paint activities, training, and certification for renovation and remodeling; review of vapor degreasing activities under the Toxic Substances Control Act (TSCA); and TSCA review of n-methylpyrrolidone and methylene chloride in paint and coating removal in commercial processes, consumer products, and residential settings.

EPA STRATEGIC PLAN. In February, EPA released its FY 2018-2022 Strategic Plan. According to the plan, EPA intends to focus on accelerating the cleanup pace for Superfund sites and meeting its statutory requirements and mandatory deadlines in the Toxic Substances Control Act (TSCA) to ensure agency reviews are efficient, effective, and transparent, among other efforts.

CROSS-AGENCY EFFORT ON PFAS. In December 2017, EPA announced a cross-agency effort to address per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), as well as GenX, a substance developed as a replacement for the older chemicals. EPA’s efforts will build on its work to establish non-regulatory drinking water health advisories for PFOA and PFOS. The agency’s water and research offices will lead these efforts and they will bring together expertise from across EPA. In addition, EPA is tapping its regional offices to enhance cooperation with partners at the state and local levels and to provide on-the-ground knowledge about specific issues, and address PFAS nationwide.