



## Federal Regulatory Training Requirements Compliance Guide

RELEASE 195 – OCTOBER 2020

### new & noteworthy

- **EPA Has Revised the Definition of “Waters of the United States”:** The U.S. Environmental Protection Agency (EPA) has issued a final rule that defines the scope of waters federally regulated under the Clean Water Act. Effective June 22, 2020, the Navigable Waters Protection Rule is the second step in a comprehensive, two-step process intended to review and revise the definition of “waters of the United States” consistent with an Executive Order signed on February 28, 2017. In this final rule, the agencies interpret the term “waters of the United States” to encompass: the territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters. The final rule also identifies those waters and features that are excluded from the definition of “waters of the United States.”

The sections of the guide affected by this rule are J-5 and J-6.

- **PHMSA Has Amended Hazardous Materials Regulations for Harmonization with International Standards:** The U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA) has adopted amendments to the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards. The final rule incorporates various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations. Additionally, PHMSA is adopting several amendments to the HMR that would allow for increased alignment with Transport Canada’s Transportation of Dangerous Goods Regulations.

The sections of the guide affected by this rule are I-3.2, I-4.2, and I-4.4.

- **OSHA Has Revised the Beryllium Standard for General Industry:** The U.S. Occupational Safety and Health Administration (OSHA) has amended its existing general industry standard for occupational exposure to beryllium and beryllium compounds to clarify certain provisions and simplify or improve compliance. The changes include revisions to definitions and methods of compliance for personal protective clothing and equipment, hygiene areas and practices, housekeeping, medical surveillance, communication of hazards, and recordkeeping. The final rule also replaces Appendix A of the 2017 standard with a new appendix designed to supplement the final standard’s definition of beryllium work area. This final rule became effective September 14, 2020.

The section of the guide affected by this rule is M-6.5.

# release notes

*please review*

- **OSHA Has Revised the Beryllium Standard for Construction and Shipyard Industries:**  
OSHA has amended its existing construction and shipyard standards for occupational exposure to beryllium and beryllium compounds to clarify certain provisions and simplify or improve compliance. These changes are designed to more appropriately tailor the requirements of the construction and shipyard standards to the particular exposures in these industries in light of partial overlap between beryllium standard requirements and those of other OSHA standards. The changes are also intended to avoid inconsistency between the construction and shipyard standards and revisions to the general industry standard, and to clarify certain requirements with respect to materials containing only trace amounts of beryllium. This final rule became effective September 30, 2020.

The sections of the guide affected by this rule are P-49.1 and Q-39.7.

- **PHMSA Has Issued a Final Pipelines Rule Regarding Safety of Gas Transmission:** PHMSA has issued a final rule, effective July 1, 2020, that amends the Federal Pipeline Safety Regulations to improve the safety of onshore gas transmission pipelines. This final rule addresses integrity management requirements and other requirements focusing on the actions an operator must take to reconfirm the maximum allowable operating pressure of previously untested natural gas transmission pipelines and pipelines lacking certain material or operational records. It also addresses: periodic assessments of pipelines in populated areas not designated as “high consequence areas”; reporting of exceedances of maximum allowable operating pressure; seismicity as a risk factor to be considered in integrity management; safety features on in-line inspection launchers and receivers; and the 6-month grace period for 7-calendar-year integrity management reassessment intervals and related recordkeeping provisions.

Sections I-9.46, I-9.47, I-9.48, and I-9.49 were added to the guide as a result of this rule.

- **PHMSA Has Issued a Final Pipelines Rule Regarding Transporting of Hazardous Liquids:** PHMSA has issued a final rule, effective July 1, 2020, that amends the Federal Pipeline Safety Regulations to improve the safety of pipelines transporting hazardous liquids. This final rule: extends reporting requirements to certain hazardous liquid gravity and rural gathering line; requires the inspection of pipelines in areas affected by extreme weather and natural disasters; and requires integrity assessments at least once every 10 years of onshore hazardous liquid pipeline segments located outside of high consequence areas and that can accommodate inline inspection devices. The rule also extends the required use of leak detection systems beyond high consequence areas to all regulated, non-gathering hazardous liquid pipelines, and requires that all pipelines in or affecting high consequence areas be capable of accommodating in-line inspection tools within 20 years, unless the basic construction of a pipeline cannot be modified to permit that accommodation. Additionally, PHMSA is clarifying other regulations.

The sections of the guide affected by this rule are I-11.05, I-11.101, I-11.1015, I-11.102, I-11.1025, I-11.103, I-11.13, and I-11.14.

## highlights of this release

- The following indices and introductions have been revised to update information related to new content and to make minor corrections:
  - Tab B Key Words
  - Tab D CFR Index
  - Tab I Introduction
- The following sections have been revised to incorporate regulatory changes and to make minor corrections:
  - H-4 40 CFR 264.16 Final Status Hazardous Waste Treatment, Storage, and Disposal (TSD) Facility
  - I-3.2 49 CFR 172.800 Highly Hazardous Hazmat Shippers Employee Training
  - I-4.2 49 CFR 173.6 Transport of Materials of Trade
  - I-4.4 49 CFR 173.185(c) Lithium Cells and Batteries
  - I-11.05 49 CFR 195.222 Pipeline Welder Qualifications
  - I-11.101 49 CFR 195.403 Pipeline Emergency Response
  - I-11.1015 49 CFR 195.440 Pipeline Operators Public Education Program
  - I-11.102 49 CFR 195.444 Pipeline CPM Leak Detection Dispatcher
  - I-11.1025 49 CFR 195.446 Hazardous Liquid Pipeline Control Room Management
  - I-11.103 49 CFR 195.452 Pipelines in High Consequence Areas
  - I-11.105 49 CFR 195.505 Liquid Pipeline Operator Qualification
  - I-11.13 49 CFR 199.113 Pipeline Operator Drug Training
  - I-11.14 49 CFR 199.202 Pipeline Operator Alcohol Misuse Training
  - J-5 40 CFR 112.7 Spill Prevention, Control, and Countermeasures (SPCC)
  - J-6 40 CFR 112.20 Facility Response Plan (FRP)
  - M-6.5 29 CFR 1910.1024 Beryllium
  - P-49.1 29 CFR 1926.1124 Construction Beryllium
  - Q-39.7 29 CFR 1915.1024 Shipyard Beryllium
- The following sections have been added:
  - I-9.46 49 CFR 192.227 Gas Pipeline Welder Qualifications
  - I-9.47 49 CFR 192.241 Gas Pipeline Inspection and Testing of Welds
  - I-9.48 49 CFR 192.285 Gas Pipelines – Qualifications for Joining Plastic Pipe
  - I-9.49 49 CFR 192.287 Gas Pipelines – Inspection of Plastic Pipe Joints

# release notes

*please review*

## did you know?

- **OSHA Document Explaining Application of Temporary Enforcement Guidance for Respiratory Protection During COVID-19:** OSHA has published a document that is intended to help employers understand and comply with OSHA's temporary enforcement guidance for the Respiratory Protection Standard (29 CFR 1910.134) during the COVID-19 pandemic. The pandemic has resulted in shortages of N-95 filtering facepiece respirators (FFRs), as well as fit-testing supplies ordinarily used to ensure that respirators fit workers properly and provide the expected level of protection; as a consequence, employers have been forced to utilize contingency and crisis strategies that are ordinarily not compliant with OSHA's Respiratory Protection Standard. In response to these supply shortages, OSHA has issued several temporary enforcement guidance memoranda allowing its Compliance Safety and Health Officers (CSHOs) to exercise enforcement discretion when considering issuing citations under the Respiratory Protection Standard and equivalent respiratory protection provisions of other health standards. This OSHA document explains how enforcement discretion is applied and what employers seeking relief under this temporary enforcement guidance need to know; it may be viewed at <https://www.osha.gov/sites/default/files/respiratory-protection-covid19-compliance.pdf>.



### related STP products

- **Onshore and Offshore Upstream Oil and Gas Operations: Federal Auditing Guide** is designed to be used to ensure compliance with Federal Department of Interior (DOI) environmental, health, and safety (EHS) regulatory requirements facing businesses that explore for, and extract, oil and natural gas. This guide serves as a concise reference on DOI EHS regulatory issues, agency interpretations and guidance, facility compliance responsibilities, and good management practices. Available formats: online and via risk management systems.

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