



## Environmental Auditing: Federal Compliance Guide

RELEASE 202 – SEPTEMBER 2021

### new & noteworthy

- **Global essential laboratory and analytical use exemption:** The U.S. Environmental Protection Agency (EPA) issued a final rule (86 FR 46992) on August 23, 2021, that revises regulations governing the production and import of Class I ozone-depleting substances in the United States to indefinitely extend the global essential laboratory and analytical use exemption. This exemption was set to expire on December 31, 2021, and this final action allows for continued production and import of Class I substances in the United States solely for laboratory and analytical uses that have not been identified by the EPA as nonessential. This final action is consistent with a decision by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer to extend the global laboratory and analytical use exemption indefinitely beyond 2021. This final rule was effective on September 22, 2021.

This change impacts **Air Quality Rulebook D, Ozone-Depleting Substances (ODSs)**.

- **Phenol, isopropylated phosphate regulations:** The U.S. Environmental Protection Agency (EPA) issued a final rule (86 FR 51823) on September 17, 2021, that amends the regulations applicable to phenol, isopropylated phosphate (3:1) (PIP (3:1)) promulgated under the Toxic Substances Control Act (TSCA). Specifically, EPA is extending the compliance date applicable to the processing and distribution in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles from March 8, 2021, to March 8, 2022. EPA is also extending the compliance date for the recordkeeping requirements applicable to those articles March 8, 2021, to March 8, 2022. The types of articles covered by this amendment include a wide range of key consumer and commercial goods such as cellular telephones, laptop computers, and other electronic and electrical devices and industrial and commercial equipment used in various sectors including transportation, life sciences, and semiconductor production. This final rule was effective on September 27, 2021.

This change impacts **Special Pollutants Rulebook D, TSCA Section 6 Chemicals**.

# release notes

*please review*

## highlights of this release

### Air Quality

- The **Introduction** has been revised to update the ozone-depleting substances applicability table to include additional details to clarify the applicability of the maintenance and leak repair requirements. In addition, the list of Class II Controlled Substances in Reference Table 10 has been updated.
- **Rulebook D, Ozone Rulebook D, Ozone-Depleting Substances (ODSs)**, has been updated to reflect the extension of the global essential laboratory and analytical use exemption. In addition, information regarding the applicability of the maintenance and leak repair requirements were revised to more clearly specify that the requirements do not apply to appliances containing solely substitute refrigerants.

### Special Pollutants

- **Rulebook D, TSCA Section 6 Chemicals**, has been updated to indicate that facilities that process and distribute in commerce of certain PIP (3:1)-containing articles, and the PIP (3:1) used to make those articles, has been extended to March 8, 2022.

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## did you know?

- **Significant New Use Rules:** During this update period, EPA has issued a number of significant new use rules (SNURs), or modifications to SNURs, including reporting and recordkeeping requirements. Substance specific SNUR requirements are cited in 40 CFR Part 721. The following is a listing of the Federal Register notices for the SNURs finalized during this period:

- June 7, 2021 (86 FR 30184, 86 FR 30196, 86 FR 30210, and 86 FR 30290);
- June 10, 2021 (86 FR 31002);
- August 16, 2021 (86 FR 45651);
- August 18, 2021 (86 FR 46123 and 86 FR 46133); and
- September 16, 2021 (86 FR 51616 and 86 FR 51620).

For a listing of these and other recent final SNUR notices, including references to the agency's proposed rulemaking, see <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/recent-activities-new-chemicals>.

# release notes

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- **TSCA Health and Safety Reporting:** On June 29, 2021 (86 FR 34147), EPA amended the health and safety data reporting requirements specified in 40 CFR Part 716 to include 20 additional chemical substances designated by the agency as High-Priority Substances and the 30 organohalogen flame retardants being evaluated for risks by the Consumer Product Safety Commission (CPSC) under the Federal Hazardous Substances Act (FHSAs). The substances subject to these reporting requirements are listed in 40 CFR 716.120. For more information, see <https://www.govinfo.gov/content/pkg/FR-2021-06-29/pdf/2021-13212.pdf>.

- **General Permit for Point Source Discharges From the Application of Pesticides:**

On September 16, 2021, EPA published the final 2021 National Pollutant Discharge Elimination System (NPDES) pesticide general permit (PGP)—the 2021 PGP. This permit was issued by all 10 EPA Regions and regulates point source discharges of biological pesticides and chemical pesticides that leave a residue. The permit covers mosquito and other flying insect pest control; weed and algae pest control; animal pest control; and forest canopy pest control. The 2021 PGP has an effective date of October 31, 2021 and replaces the existing permit (2016 PGP) that expires at midnight on October 31, 2021. This permit is in effect for 5 years in all areas of the country where EPA is the NPDES permitting authority. More information and a copy of the permit are available at <https://www.epa.gov/npdes/pesticide-permitting-2021-ppg>.



## related STP products

- **Onshore and Offshore Upstream Oil and Gas Operations: Federal Auditing Guide** is designed to be used to ensure effective regulatory compliance with the hundreds of complex Federal Department of Interior (DOI) environmental, health and safety (EHS) regulatory requirements facing businesses that explore for and extract oil and natural gas (referred to as “upstream oil and gas operations”). Available formats: online and via risk management systems.
- **Fire Code Management of Hazardous Materials: The Essential Guide** has extensive checklists to enable facilities to assess their compliance with the fire codes adopted by the majority of U.S. states. This guide covers hazardous materials requirements specified by the National Fire Protection Association (NFPA) standards (including NFPA 1 2000, NFPA 1-UFC 2003, NFPA 1-UFC 2006, NFPA 1-FC 2009, NFPA 1-FC 2012, NFPA 1-FC 2015, NFPA 1 2018), and International Fire Code (IFC 2003, 2006, 2009, 2012, 2015, 2018). Available formats: online and via risk management systems.

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