ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 10845–01–OA; EPA–HQ–OAR–2011–0135]

Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at *https://www.reginfo.gov* to periodically update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

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SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting human health and the environment. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations. EPA is committed to environmental protection that benefits all communities and encourages public participation and meaningful engagement in our regulatory activities and processes.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database at *https://www.reginfo.gov/.*

''Regulatory Flexibility Agenda'' refers to a document that contains information about the subset of regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at *https://www.govinfo.gov/app/collection/fr.*

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the U.S. General Services Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

''Section 610 Review'' as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at *https://www.epa.gov/reg-flex/section-610-reviews.* EPA is initiating one Section 610 review with this semiannual agenda in spring 2023 for the 2014 rulemaking, ''Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards.''

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

Several environmental laws authorize EPA's actions, including but not limited to:

- American Innovation and Manufacturing Act (AIM)
- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

EPA must comply not only with environmental and other statutes, but also with administrative legal requirements that apply to the issuance of regulations, such as the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011) and amended by Executive Order 14094, ''Modernizing Regulatory Review'' (88 FR 21879, April 11, 2023); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994) and 14096, ''Revitalizing Our Nation's Commitment to Environmental Justice for All'' (88 FR 25251, April 26, 2023); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); and 13211, ''Actions Concerning

Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through *https://www.regulations.gov* are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position, and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to what has been proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule- and policymaking processes. For more information about EPA's efforts to increase transparency, participation, and collaboration in EPA activities, please visit *https://www.epa.gov/laws-regulations/get-involved-epa-regulations.*

II. Semiannual Agenda of Regulatory and Deregulatory Actions

A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers.
- *Under the CAA:* Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes.
- *Under FIFRA:* Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins.
- *Under the Federal Food, Drug, and Cosmetic Act:* Actions regarding pesticide tolerances and food additive regulations.
- *Under TSCA:* Licensing actions and new chemical actions.
- *Under RCRA:* Authorization of State solid waste management plans and hazardous waste delisting petitions.
- *Under the CWA:* State Water Quality Standards, deletions from the section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), and delegations of NPDES authority to States.
- *Under SDWA:* Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is initiating one review under section 610 of the RFA in this Agenda for the 2014 rulemaking ''Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards.''

B. How is the e-Agenda organized?

You can choose how to sort the agenda entries on-line by specifying the characteristics of the entries of interest in the desired individual data fields of the e-Agenda at *https://www.reginfo.gov.* You can sort based on the following characteristics: EPA subagency (such as Office of Water), stage of rulemaking as described in the following paragraphs, alphabetically by title, or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Pre-rule Stage—EPA's pre-rule actions are generally intended to determine whether the agency should initiate rulemaking. Pre-rulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs) or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We encourage you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the **Federal Register** since publication of the fall 2022 Agenda. This category also includes actions that EPA is no longer considering and has elected to ''withdraw'' and the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the following five categories:

a. Significant under 3(f)(1): Under Executive Order 12866, as amended, a rulemaking that may have an annual effect on the economy of $200 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

2. Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs, or the rights and obligations of recipients; or

3. Raise legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations. If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in the Congressional Review Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The section(s) of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory and/or a judicial deadline, the date of that deadline, and whether the deadline pertains to a NPRM, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 03/00/2024 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are federal, tribal, state, or local.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part.

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN correspond to the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda Data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The *https://www.reginfo.gov* searchable database maintained by the Regulatory Information Service Center and OMB's Office of Information and Regulatory Affairs (OIRA), allows users to view the Regulatory Agenda database (*https://www.reginfo.gov/public/do/eAgendaMain*), with options for searching, displaying, and transmitting data.

2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that Agency's action or activity, and is accessible both electronically or at EPA's Docket Center Reading Room (*https://www.epa.gov/dockets*). EPA uses dockets primarily for rulemaking actions, but dockets may also be used for section 610 reviews and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *https://www.regulations.gov.* EPA particularly welcomes feedback on rulemakings from communities likely to be affected by these actions.

III. Review of Regulations Under Section 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review each rule that has or will have a significant economic impact

on a substantial number of small entities within 10 years of promulgation. Currently, EPA is initiating one Section 610 review with this semiannual agenda.

Review title	RIN	Docket ID No.	Status
Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards	2060–AV90	EPA–HQ–OAR–2011–0135	Initiated.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed and current information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, including ongoing Small Business Advocacy Review Panels, please visit EPA's RFA/SBREFA website at *https://www.epa.gov/reg-flex.*

IV. Thank You for Collaborating With Us

We would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment through engaging in our rulemaking process. Collaborative efforts such as EPA's open rulemaking processes are valuable tools for implementing our legal requirements in order to address environmental and public health challenges. Our regulatory agenda and your engagement play an important role in that process.

Victoria Arroyo,

Associate Administrator, Office of Policy.

10—Clean Air Act—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
173	Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards (**Section 610 Review**)	2060–AV90

10—Clean Air Act—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
174	National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations.	2060–AU37
175	Revisions to the Air Emission Reporting Requirements (AERR)	2060–AV41

10—Clean Air Act—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
176	New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review.	2060–AV16

35—TSCA—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
177	Tiered Data Reporting to Inform Prioritization, Risk Evaluation and Risk Management Under the Toxic Substances Control Act (TSCA).	2070–AK62
178	Methylene Chloride; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK70
179	1-Bromopropane; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK73
180	Trichloroethylene; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK83
181	Perchloroethylene (PCE); Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK84
182	N-Methylpyrrolidone; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK85
183	C.I. Pigment Violet 29; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070–AK87

35—TSCA—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
184	TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances.	2070–AK67

72—SDWA—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	PFAS National Primary Drinking Water Regulation Rulemaking	2040–AG18

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10—Clean Air Act

Prerule Stage

173. • Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards (Section 610 Review) [2060–AV90]

Legal Authority: 5 U.S.C. 610

Abstract: The rulemaking ''Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'' was finalized by EPA in April 2014 (79 FR 23414). The final rule established the Tier 3 Motor Vehicle Emission and Fuel Standards program. The Tier 3 program was part of a comprehensive approach to reducing the impacts of motor vehicles on air quality and public health. The program considered the vehicle and its fuel as an integrated system, setting new vehicle emissions standards and a new gasoline sulfur standard beginning in 2017. The vehicle emissions standards were expected to reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The gasoline sulfur standard were expected to enable more stringent vehicle emissions standards and will make emissions control systems more effective. This new entry in the regulatory agenda announces that EPA will review this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Final Action	04/28/14	79 FR 23414
Begin Review	06/00/23	
End Review	12/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Jessica Mroz, Environmental Protection Agency, Office of Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone*: 202 564–1094, Email: *mroz.jessica@epa.gov*.

RIN: 2060–AV90

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10—Clean Air Act

Proposed Rule Stage

174. National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [2060–AU37]

Legal Authority: 42 U.S.C. 7607(d); 42 U.S.C. 7414, 7601

Abstract: In December 1994, pursuant to section 112(d) of the Clean Air Act, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations (59 FR 62585). The NESHAP established standards for both major and area sources. EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA will conduct the second technology review for the NESHAP, as required by law, and consider potential updates to the rule. To aid in this effort, EPA issued an advance notice of proposed rulemaking that solicited comment from stakeholders, undertook a Small Business Advocacy Review panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered, and is conducting community outreach as part of the development of this action. For more information, please visit *https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities.*

Timetable:

Action	Date	FR Cite
ANPRM	12/12/19	84 FR 67889
NPRM	04/13/23	88 FR 22790
NPRM Comment Period Extended.	06/01/23	88 FR 35808
NPRM Comment Period End.	06/27/23	
Final Rule	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Witt, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27709 *Phone*: 919 541–5645, *Email: witt.jon@epa.gov*.

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, E143–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711, *Phone:* 919 541–2837, *Email: fruh.steve@epa.gov*.

RIN: 2060–AU37

175. Revisions to the Air Emission Reporting Requirements (AERR) [2060–AV41]

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: This action proposes revisions to the existing Air Emissions Reporting Requirements (AERR) rule last revised on February 19, 2015 (80 FR

8787). The EPA is considering how to improve the quality and completeness of hazardous air pollutant (HAP) emissions data from stationary sources and all pollutant emissions data from prescribed fires. Further, the EPA is considering how best to quantify emissions from intermittent sources such as backup generators; how to obtain data from facilities in Indian country when a Tribe is not required to report emissions data; and how to address known data gaps, streamline processes, and improve data quality, documentation, and transparency for nonpoint and mobile sources.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	
Final Rule	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marc Houyoux, Environmental Protection Agency, Office of Air and Radiation, C339–02, Research Triangle Park, NC 27711, *Phone:* 919 541–3649, *Fax:* 919 541–0684, *Email: houyoux.marc@epa.gov*.

RIN: 2060–AV41

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10—Clean Air Act

Final Rule Stage

176. New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review [2060–AV16]

Legal Authority: 42 U.S.C. 7411

Abstract: On November 15, 2021, the EPA proposed new source performance standards and emission guidelines for crude oil and natural gas facilities. (86 FR 63110). This action was in response to the January 20, 2021, Executive Order titled ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' The 2021 action proposed to update and strengthen methane and VOC standards on the books for new sources, add standards for currently unregulated new sources, establish first nationwide Emission Guidelines for states to regulate existing sources. On December 6, 2022, in a supplemental proposal, EPA proposed to update, strengthen, and expand its November 2021 proposal that would secure major climate and health benefits for all Americans by reducing emissions of methane and other harmful air pollution from both new and existing sources in the oil and natural gas industry (87 FR 74702). The supplemental proposal would achieve more comprehensive emissions reductions from oil and natural gas operations by improving standards in the 2021 proposal and adding proposed requirements for sources not previously covered. Specific proposed requirements include fugitive emissions monitoring and repair at well sites, stronger requirements for flares, zero emissions standards for pneumatic pumps, new standards for dry seal compressors, and a program to allow approved third parties to identify super-emitting events for prompt mitigation. The supplemental proposal also promotes innovation in methane detection technology. The proposal included details for implementing the Emissions Guidelines, which would require states to develop plans that establish, implement, and enforce performance standards for hundreds of thousands of existing sources across the country. State requirements must generally reflect the reductions achievable by applying the Best System of Emission Reduction that EPA has determined has been adequately demonstrated. States would have to submit plans including their requirements to EPA for review. The Agency expects to issue a final rule later this year.

Timetable:

Action	Date	FR Cite
NPRM	11/15/21	86 FR 63110
NPRM Comment Period Extended.	12/17/21	86 FR 71603
Supplemental NPRM.	12/06/22	87 FR 74702
Final Rule	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Marsh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–01, Research Triangle Park, NC 27711, *Phone:* 919 541–1065, *Email: marsh.karen@epa.gov*.

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–01, Research Triangle Park, NC 27711, NC 27711, *Phone:* 919 541–2837, *Email: fruh.steve@epa.gov*.

RIN: 2060–AV16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35—TSCA

Proposed Rule Stage

177. Tiered Data Reporting To Inform Prioritization, Risk Evaluation and Risk Management Under the Toxic Substances Control Act (TSCA) [2070–AK62]

Legal Authority: 15 U.S.C. 2601 *et seq.* Toxic Substances Control Act

Abstract: EPA is developing a rulemaking under sections 8(a) and (d) of the Toxic Substances Control Act (TSCA) to establish reporting requirements based upon a chemical's status in the Risk Evaluation/Risk Management (RE/RM) Lifecycle and update the reporting requirements under the 40 CFR 711 Chemical Data Reporting (CDR) regulation. TSCA section 8(a) provides EPA the authority to require manufacturers and processors to report information known to or reasonably ascertainable by them including information on chemical identity and structure, manufacture, use, exposure, disposal, and health and environmental effects, and to maintain records of such information. Specifically, EPA is seeking occupational, environmental, and consumer exposure information. TSCA section 8(d) provides EPA the authority to require manufacturers, processors, and distributors to submit health and safety study information to the agency. EPA is developing this rule to obtain information about potential hazards and exposure pathways related to certain chemicals, particularly occupational, environmental, and consumer exposure information. This information is needed to inform prioritization, risk evaluation, and risk management of the chemical substances under TSCA section 6.

Timetable:

Action	Date	FR Cite
NPRM	02/00/24	
Final Rule	07/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Susan Sharkey, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7406M, Washington, DC 20460, *Phone:* 202 564–8789, *Fax:* 202 564–4775, *Email: sharkey.susan@epa.gov*.

David Turk, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code

7406M, Washington, DC 20460, *Phone:* 202 566–1527, *Email: turk.david@epa.gov*.

RIN: 2070–AK62

178. Methylene Chloride; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK70]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: EPA proposed to address the unreasonable risk of injury to human health presented by methylene chloride under its conditions of use as documented in EPA's June 2020 risk evaluation and November 2022 revised risk determination for methylene chloride prepared under the Toxic Substances Control Act (TSCA). EPA's risk evaluation, describing the conditions of use is in docket EPA–HQ–OPPT–2019–0437, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0742. To address the identified unreasonable risk, EPA is proposing to: prohibit the manufacture, processing, and distribution in commerce of methylene chloride for consumer use; prohibit most industrial and commercial uses of methylene chloride; require a workplace chemical protection program, which would include a requirement to meet inhalation exposure concentration limits and exposure monitoring for certain continued conditions of use of methylene chloride; require recordkeeping and downstream notification requirements for several conditions of use of methylene chloride; and provide certain time-limited exemptions from requirements for uses of methylene chloride that would otherwise significantly disrupt national security and critical infrastructure.

Timetable:

Action	Date	FR Cite
NPRM	05/03/23	88 FR 28284
NPRM Comment Period End.	07/03/23	
Final Rule	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK70

179. 1-Bromopropane; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK73]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by 1-bromopropane (1–BP) under its conditions of use as documented in EPA's 2020 risk evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA's risk evaluation for 1–BP, describing the conditions of use, is in docket EPA–HQ–OPPT–2019–0235, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0741.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
Final Rule	03/00/25	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK73

180. Trichloroethylene; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK83]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by trichloroethylene (TCE) under its conditions of use as documented in EPA's 2020 Risk Evaluation and 2023 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA's risk evaluation for TCE, describing TCE's conditions of use is in docket EPA–HQ–OPPT–2019–0500, with the January 2023 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0737.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
Final Rule	10/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK83

181. Perchloroethylene (PCE); Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK84]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by perchloroethylene (PCE) under its conditions of use as documented in EPA's 2020 Risk Evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA's risk evaluation for PCE, describing the conditions of use is in docket EPA–HQ–OPPT–2019–0502, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0732.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
Final Rule	08/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK84

182. N-Methylpyrrolidone; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK85]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by n-methylpyrrolidone (NMP) under its conditions of use, as documented in EPA's 2020 Risk Evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA section 6(b) risk evaluation by applying requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA's 2020 risk evaluation for NMP, describing its conditions of use is in docket EPA–HQ–OPPT–2019–0236, with the 2022 revised unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0743.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
Final Rule	12/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK85

183. C.I. Pigment Violet 29; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK87]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address unreasonable risks of injury to health identified in the final risk evaluation for C.I. Pigment Violet 29. Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. EPA's risk evaluation for C.I. Pigment Violet 29, describing the conditions of use and presenting EPA's determination of unreasonable risk, is in docket EPA–HQ–OPPT–2018–0604, with revised risk determination and additional information in docket EPA–HQ–OPPT–2016–0725.

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK87

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35—TSCA

Final Rule Stage

184. TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances [2070–AK67]

Legal Authority: 15 U.S.C. 2607(a)(7) Toxic Substances Control Act

Abstract: EPA published a proposed rule on June 28, 2021, addressing reporting and recordkeeping requirements for Per- and Polyfluoroalkyl Substances (PFAS) under section 8(a)(7) of the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA section 8(a), as amended by section 7351 of the National Defense Authorization Act for Fiscal Year 2020, persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, would be subject to the reporting and recordkeeping requirements. In addition to fulfilling statutory obligations under TSCA, EPA expects that the final rule will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States. EPA solicited additional public comments on an Initial Regulatory Flexibility Analysis (IRFA) following the completion of a Small Business Advocacy Review (SBAR) Panel addressing the proposed PFAS reporting and recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/28/21	86 FR 33926
Notice	11/25/22	87 FR 72439
Comment Period End.	12/27/22	
Final Rule	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2070–AK67

ENVIRONMENTAL PROTECTION AGENCY (EPA)

72—SDWA

Final Rule Stage

185. PFAS National Primary Drinking Water Regulation Rulemaking [2040–AG18]

Legal Authority: 42 U.S.C. 300f *et seq.*; Safe Drinking Water Act

Abstract: On March 3, 2021, the Environmental Protection Agency (EPA) published the Fourth Regulatory Determinations in **Federal Register**, including a determination to regulate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water. Per the Safe Drinking Water Act, following publication of the Regulatory Determination, the Administrator shall propose a maximum contaminant level goal (MCLG) and a national primary drinking water regulation (NPDWR) not later than 24 months after determination and promulgate a NPDWR within 18 months after proposal (the statute authorizes a

9-month extension of this promulgation date). With this action, EPA intends to develop a proposed national primary drinking water regulation for PFOA and PFOS, and as appropriate, take final action. Additionally, EPA will continue to consider other PFAS as part of this action. This action provides a key commitment in EPA's ''PFAS Strategic Roadmap: EPA's Commitments to Action 2021–2024.''

Timetable:

Action	Date	FR Cite
Notice	02/09/22	87 FR 7412
NPRM	03/29/23	88 FR 18638
NPRM Comment Period End.	05/30/23	
Final Rule	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 2040–AG18

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