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**FEDERAL REGULATORY ACTIONS**

**IMPACTING**

**ONSHORE DRILLING**

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## ABBREVIATIONS AND ACRONYMS

<b>ACOE/ACE</b>	Army Corps of Engineers	<b>MSHA</b>	Mine Safety and Health Administration
<b> AIS</b>	Automatic Identification System	<b>MTSA</b>	Maritime Transportation Security Act of 2002
<b>ALJ</b>	Administrative Law Judge	<b>MWQC</b>	Marine Water Quality Criteria
<b>APCD</b>	Air Pollution Control District	<b>NAAQS</b>	National Ambient Air Quality Standards
<b>ANPRM</b>	Advance Notice of Proposed Rulemaking	<b>NWA</b>	National Wildlife Area
<b>API</b>	American Petroleum Institute	<b>NEPA</b>	National Environmental Policy Act of 1969
<b>BACT</b>	Best Available Control Technology	<b>NESHAPs</b>	National Emissions Standard for Hazardous Air Pollutants
<b>BCT</b>	Best Conventional Pollutant Control Technology	<b>NIOSH</b>	National Institute for Occupational Safety and Health
<b>BMP</b>	Best Management Practices	<b>NMVOC</b>	Non-Methane Volatile Organic Compound
<b>BOEM</b>	Bureau of Ocean Energy Management	<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>BPT</b>	Best Practicable Control Technology Currently Available	<b>NOIA</b>	National Ocean Industries Association
<b>BSEE</b>	Bureau of Safety and Environmental Enforcement	<b>NOx</b>	Nitrogen Oxides
<b>CAA</b>	Clean Air Act	<b>NPRM</b>	Notice of Proposed Rulemaking
<b>CARB</b>	California Air Resources Board	<b>NSPS</b>	New Source Performance Standards
<b>CBP</b>	U. S. Customs and Border Protection (DHS)	<b>NSR</b>	New Source Review
<b>CDL</b>	Commercial Driver's License	<b>NTL</b>	Notice to Lessees and Operators
<b>CEQ</b>	Council on Environmental Quality	<b>NVIC</b>	Navigation and Vessel Inspection Circular
<b>CFCs</b>	Chlorofluorocarbons	<b>OCS</b>	Outer Continental Shelf
<b>CFR</b>	Code of Federal Regulations	<b>OCSLA</b>	Outer Continental Shelf Lands Act
<b>COA</b>	Corresponding Onshore Area	<b>ONRR</b>	Office of Natural Resources Revenue
<b>COR</b>	Certificate of Registry	<b>OOO</b>	Offshore Operators Committee (U.S.)
<b>CWA</b>	Clean Water Act	<b>OPA-90</b>	Oil Pollution Act of 1990
<b>CZMA</b>	Coastal Zone Management Act	<b>OTR</b>	Office of the U.S. Trade Representative
<b>DEIS</b>	Draft Environmental Impact Statement	<b>PATON</b>	Private Aid to Navigation
<b>DHS</b>	Department of Homeland Security	<b>PEL</b>	Permissible Exposure Limit
<b>DOE</b>	Department of Energy	<b>PHMSA</b>	Pipeline and Hazardous Materials Safety Administration
<b>DOL</b>	Department of Labor	<b>P.L.</b>	Public Law
<b>DOT</b>	Department of Transportation	<b>PM</b>	Particulate Matter
<b>EIS</b>	Environmental Impact Statement	<b>Ppm</b>	Parts per million
<b>EO</b>	Executive Order	<b>PSD</b>	Prevention of Significant Deterioration
<b>EPA</b>	Environmental Protection Agency	<b>RCC</b>	Rescue Coordination Center
<b>EPCRA</b>	Emergency Planning and Community Right-to-Know Act	<b>RFA</b>	Regulatory Flexibility Act
<b>FAA</b>	Federal Aviation Administration	<b>RIA</b>	Regulatory Impact Analysis
<b>FCC</b>	Federal Communications Commission	<b>RIN</b>	Regulation Identifier Number
<b>FDA</b>	Food and Drug Administration	<b>RQ</b>	Reportable Quantity
<b>FEMA</b>	Federal Emergency Management Agency	<b>RSPA</b>	Research and Special Programs Administration (DOT) – now PHMSA
<b>FLSA</b>	Fair Labor Standards Act	<b>SAMHSA</b>	Substance Abuse and Mental Health Services Administration
<b>FR</b>	<i>The Federal Register</i>	<b>SBF</b>	Synthetic-Based Drilling Fluid
<b>FRA</b>	Federal Railroad Administration	<b>SBREFA</b>	Small Business Regulatory Enforcement Fairness Act
<b>FPSO</b>	Floating Production Storage and Offloading Unit	<b>SIP</b>	State Implementation Plan
<b>FMCSA</b>	Federal Motor Carrier Safety Administration	<b>SNPRM</b>	Supplemental Notice of Proposed Rulemaking
<b>FWPCA</b>	Fresh Water Pollution Control Act	<b>SOLAS</b>	International Convention for the Safety of Life at Sea
<b>HAPs</b>	Hazardous Air Pollutants	<b>SOx</b>	Sulfur Oxides
<b>HCFCs</b>	Hydro chlorofluorocarbons	<b>SSI</b>	Sensitive Security Information
<b>HHS</b>	Department of Health and Human Services	<b>STCW</b>	International Convention on Standards of Training, Certification & Watch keeping
<b>HME</b>	Hazardous Materials Endorsement (to a CDL)	<b>TLP</b>	Tension Leg Platform
<b>HMR</b>	Hazardous Materials Regulations	<b>TRI</b>	Toxics Release Inventory
<b>IADC</b>	International Association of Drilling Contractors	<b>TSA</b>	Transportation Security Administration
<b>ICAO</b>	International Civil Aviation Organization	<b>TWIC</b>	Transportation Worker Identification Credential
<b>ILO</b>	International Labor Office	<b>U.S.C.</b>	The United States Code
<b>IMDG Code</b>	International Maritime Dangerous Goods Code	<b>USCG</b>	U. S. Coast Guard
<b>IMO</b>	International Maritime Organization	<b>USCIS</b>	U.S. Citizenship and Immigration Services
<b>INS</b>	Immigration and Naturalization Service	<b>VOC</b>	Volatile Organic Compound
<b>ISA</b>	International Seabed Authority		
<b>ISO</b>	International Organization for Standardization		
<b>HDE</b>	Heavy Duty Engine		
<b>LAER</b>	Lowest Achievable Emission Rate		
<b>LHWCA</b>	Longshoreman and Harbor Worker's Compensation Act		
<b>MACT</b>	Maximum Achievable Control Technology		
<b>MMC</b>	Merchant Mariner Credential		
<b>MMD</b>	Merchant Mariner's Document		
<b>MODU</b>	Mobile Offshore Drilling Unit		
<b>MRO</b>	Medical Review Officer		

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## **U.S. Federal Regulatory Actions Impacting Onshore Drilling Contractors**

This document reflects regulatory actions announced in the *Federal Register* or other sources through 26 January 2015. The dates given for anticipated regulatory actions are based on information in the most recent Semi-Annual Unified Agenda, or information obtained through contact with the agency.

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Access to copies of the *Federal Register* from 2 January 1994 onward is available from the Federal Register [Main Page](#). Hyperlinks to referenced regulatory and other documents are provided where they are known.

The public may identify rulemaking proposals that are open for public comment, and may submit comments on those rulemaking proposals via the "[Regulations.gov](#)" website.

To report errors in this document, provide comments, or for further information, please contact Rhett Winter at [Rhett.winter@iadc.org](mailto:Rhett.winter@iadc.org).

### **Office of Management and Budget (OMB)**

● **2012 North American Classification System (NAICS) Updates for 2017.** (RIN not applicable; CFR not applicable) On 22 May 2014 (79 FR 29626) OMB issued a notice of solicitation for proposals to revise portions of NAICS for 2017. The Economic Classification Policy Committee (ECPC) in part of this notice is soliciting comments on updating the structure of the oil and gas industries. The ECPC is also seeking comments related to consistent classification in an era of greater specialization and globalization. Comment due date: 21 July 2014

[On 21 July 2014 IADC submitted [comments](#) on this notice]

**Request for Comments on a Proposed Revision of OMB Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities.** (RIN not applicable; CFR not applicable) On 11 February 2014 (79 FR 8207) OMB issued a request for comments regarding proposed revisions to Circular A-119. The circular was last revised in 1998. Among other things, the proposed changes to Federal policies would: (1) recognize certain standards not developed in a consensus-driven process; (2) provide guidance on governmental representative participation in standards processes; (3) encourage use of private sector conformity assessment schemes; and (4) require trade-related obligations to be considered. A 90-day comment period is provided. A discussion paper on the proposals is available ([link](#)). These changes would have the potential to affect IADC/WCI programs as well as the regulations governing IADC-member activities in the US. Comment due date: 12 May 2014

## **DOI / Bureau of Land Management (BLM)**

**Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (WO-300-L13100000.FJ0000)** (RIN 1004-AE26; 43 CFR 3160) On 24 May 2013 ([78 FR 31636](#)) the BLM issued an SNPRM to follow up on the previously issued proposed rule (11 May 2012 / [77 FR 27691](#)). With the comments received from the NPRM, BLM made some revisions and is now seeking additional comment on the revised rule. Key issues in this updated draft include: the use of an expanded set of cement evaluation tools to help ensure that usable water zones have been isolated and protected from contamination; and more detailed guidance on how trade secrets claims will be handled, modeled on the procedures promulgated by the State of Colorado. The revised proposed rule would also provide opportunities for the BLM to coordinate standards and processes with individual States and tribes to reduce administrative costs and to improve efficiency. On 10 June 2013 (78 FR 34611) BLM extended the comment period to 23 August 2013. The most recent Unified Agenda indicated that a final action was planned for November 2014.

## **Department of Labor (DOL) / Occupational Safety and Health Administration (OSHA)**

**Agency Information collection Activities; Submission for IMB Review; Comment Request; Manlifts Standard.** (RIN not listed; CFR not listed) On 20 May 2014 DOL issued a notice ([79 FR 28966](#)) that they are submitting the OSHA sponsored ICR entitled “Manlifts Standard” to the Office of Management and Budget (OMB) for review, without change. This standard (29 CFR 1910.68(e)) requires OSHA covered employers to create and maintain a certification record of each manlift inspection. It also provides that each employer must inspect each manlift at least once every 30 days and to check limit switches weekly. Comment due date was: 19 June 2014.

**Process Safety Management and Prevention of Major Chemical Accidents. (OSHA-2013-0020)** (RIN 1218-AC82; 29 CFR 1910) On 9 December 2013 ([78 FR 73756](#)) OSHA issued a request for information which requests comment on the potential revisions to the Process Safety Management (PSM) standard, its Explosives and Blasting Agents standard, potential updates to its Flammable Liquids standard, Spray Finishing standard, and potential changes to the PSM enforcement policies. The preamble to the PSM final rule explained that OSHA excluded these operations because it had begun a separate rulemaking for oil and gas well drilling and servicing operations (48 FR 57202). However, the Agency subsequently removed the oil and gas well drilling and servicing operations (Oil and Gas Drilling and Servicing Vertical Standard) rulemaking from its regulatory agenda and OSHA never promulgated a final rule for these operations. In light of this history, OSHA requested public comment on whether to retain or remove the exemption as stated in § 1910.119(a)(2)(ii). The comment period ended on March 7, 2014 ([79 FR 13006](#)). OSHA is also proposing to require additional Management System Elements such as adopting management-system elements from safety standards that other federal agencies promulgated since 1992. Should this change and additional proposals they plan to make to the PSM rule, all US onshore contractors and those contractors in State and Inland waters may be required to have a Management System to address the elements of PSM.

On 7 March 2014 ([79 FR 13006](#)) OSHA issued an extension to the comment period. Revised Comment due date: 31 March 2014. The most recent unified agenda indicates the initiation of SBREFA for June 2015.

On 28 March 2014 IADC submitted comments regarding this proposed policy revision.

**Record Requirements in the Mechanical Power Presses Standard.(OSHA-2013-0010)** (RIN 1218-AC80; 29 CFR 1910) On 20 November 2013 ([78 FR 69543](#)) OSHA published a **Direct Final Rule** with an accompanying proposed rule ([78 FR 69606](#)), in order to revise a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs that they perform on presses during the periodic inspections. Additionally, OSHA is removing the requirement that employers develop and maintain certification records of weekly inspections and tests performed on the presses. Effective date of final rule: 18 February 2014. Comment due date of proposed rule: 20 December 2013. (NOTE: The direct final rule will become effective on the above date unless significant adverse comments are received by the comment date.)

On 18 April 2014 ([79 FR 21876](#)) OSHA has **withdrawn** the proposed rulemaking thus making the **direct final** rule ([79 FR 21848](#)) current with an effective date of 18 February 2014.

**Improve Tracking of Workplace Injuries and Illnesses. (OSHA-2013-0023)** (RIN 1218-AC49; 29 CFR 1904 and 1952) On 8 November 2013 ([78 FR 67253](#)) OSHA issued a proposed rulemaking to improve workplace safety and health through the collection of useful, accessible, establishment-specific injury and illness data to which OSHA currently does not have direct, timely and systemic access. They plan to amend the recordkeeping regulations to add requirements for the electronic submission of injury and illness information employers are already required to keep under OSHA regulations. This rulemaking amends the annual OSHA injury and illness survey of ten or more employers to add three new electronic reporting requirements. It does not add or change the employer's obligation to complete and retain injury and illness records. It also does not add or change the reporting criteria or definitions for these records. It only modifies the employer's obligation to transmit information from those records to OSHA or their designee. Comment due date ended on 8 March 2014.

On 7 January 2014 ([79 FR 778](#)) OSHA extended the comment period for this proposed rulemaking. Revised Comment due date: 8 March 2014.

On 7 March 2014 IADC submitted comments regarding this proposed rulemaking.

The most recent Unified Agenda indicates a final rule is planned for March 2015.

**Occupational Exposure to Respirable Crystalline Silica (OSHA-2010-0034)** (RIN 1218-AB70; 29 CFR 1910, 1915 and 1926) On 12 September 2013 ([78 FR 56274](#)) OSHA issued a proposed rule to amend its existing standards for occupational exposure to respirable crystalline silica, which poses a significant risk to health at the current exposure limits. This rulemaking proposes new permissible exposure limit, calculated as an 8-hour time-weighted average, of 50 micrograms of respirable crystalline silica per cubic meter of air. Comment due date: 11 December 2013

On 31 October 2013 ([78 FR 65242](#)) OSHA extended to the comment period. Revised comment due date: 27 January 2014. On 29 January 2014 ([79 FR 4641](#)) OSHA extended the comment period to 11 February 2014

The most recent Unified Agenda is scheduled to analyze comments through June 2015.

**Occupational Exposure to Noise Standard; Extension of the OMB Approval of Information Collection Requirements. (OSHA-2010-0017)** (RIN Not listed; CFR Not listed) On 30 July 2013 ([78 CFR 45981](#)) OSHA issued a request for comments concerning its proposal to extend the OMB approval of the information collection requirements specified in 29 CFR 1910.95. This regulation was written to protect workers from suffering material hearing impairment. Comment due date ended 30 September 2013. OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information collection requirements contained in the Occupational Exposure to Noise Standard.

**Occupational Injury and Illness Recording and Reporting Requirements- NAICS Update and Reporting Revisions. (OSHA-2010-0019).** (RIN 1218-AC50; 29 CFR 1904) On 22 June 2011 ([76 FR 36414](#)) OSHA issued a proposed rule, which proposes to update its Injury and Illness Recording and Reporting regulation. This rulemaking will replace the current Standard Industrial Classification (SIC) system list of industries with those based on the North American Industry Classification System (NAICS). Additionally, this proposed rule would change the employer reporting requirements, which currently require a report to OSHA within 8 hours of all work related fatalities and in-patient hospitalizations for three or more employees, to a revised reporting of ALL work-related fatalities and ALL work-related in-patient hospitalizations within 8 hours, plus ALL work-related amputations (defined as: traumatic loss of a limb or other external body part, including a fingertip, with bone loss) within 24 hours. Comment due date: 20 September 2011

On 28 September 2011 ([76 FR 59952](#)) OSHA reopened the comment period on this proposed rulemaking due to a request from the National Automobile Dealers Association. New Comment due date: 30 October 2011. The most recent Unified Agenda indicated that a final rule is effective January 2015.

[On 12 September IADC submitted [comments](#) regarding this proposed policy change]

**Occupational Injury Illness Recording and Reporting Requirements. (OSHA-2009-0044)** (RIN 1218-AC45; 29 CFR 1904) On 29 January 2010 ([75 FR 4728](#)) OSHA issued a proposed rule (with an announcement of public meeting) to revise its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation to restore the column to the OSHA 300 Log that employers would use to record work-related musculoskeletal disorders (MSD). The 2001 final regulation included an MSD column, but the requirements were deleted before the regulation became effective. This proposed rule would require employers to place a check mark in the MSD column, instead of the column they currently mark, if a case is an MSD that meets the Recordkeeping regulation's general recording requirements. Comment due date: 15 March 2010. NOTE: ([75 FR 10738](#)) Extended Comment due date: 30 March 2010.

On 17 May 2011 ([76 FR 28383](#)) OSHA issued a Notice of limited reopening of rulemaking record. OSHA, after numerous small business teleconferences, decided to reopen the comments period to allow, in particular, small businesses on the information issues raised during the teleconferences, which included their experiences recording work-related MSDs and how they believe that they would be impacted by OSHA's revised recordkeeping with regards to restoring a column on the OSHA 300 log if the case is an MSD. Comment due date: 16 June 2011. The most recent Unified Agenda indicated that the next action is "to be determined."

**Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips and Fall Protection) (OSHA-2007-0072; No. S-029).** (RIN: 1218-AB80; 29 CFR 1910) On 10 April 1990 (55 FR 13360), OSHA proposed a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. On 2 May 2003 ([68 FR 23527](#)) OSHA announced that it was reopening the rulemaking record on the proposed revisions to gather data and information concerning advances in technology and industry practice and updated consensus standards issued since the proposals were published in 1990. OSHA indicated it will be publishing a revised economic analysis (containing a revised regulatory flexibility analysis if necessary) for public comment. OSHA will then analyze the record and determine what other steps, if any, are necessary to finalize the rulemakings on subparts D and I. In the notice, OSHA included the regulatory text and appendices from the 1990 proposed rule as an appendix to this limited reopening notice. The December 2004 Unified Agenda indicated that OSHA had determined that additional information is needed on proposed requirements to allow certain employees (qualified climbers) to climb fixed ladders without fall protection. The May 2005 Unified Agenda indicated that OSHA has determined that the proposed rule is out-of-date and does not reflect current industry practice or technology and that a new NPRM is being prepared.

On 24 May 2010 ([75 FR 28862](#)) OSHA issued a second NPRM, which proposes to revise the walking-working surfaces standards and the PPE standards in the regulations. OSHA believes that the proper use of fall protection systems can protect employees from injury and death due to falls at different elevations. The NRPM, which is written in plain language, is planned to increase consistency between the construction, maritime, and general industry standards, and eliminate duplication. Comment due date: 23 August 2010. The most recent Unified Agenda indicated that a final rule is planned for June 2015.

**Electric Power Transmission and Distribution, Electrical Protective Equipment (OSHA-S215-2006-0063).** (RIN 1218-AB67; 29 CFR 1910 and 1926) On 15 June 2005 ([70 FR 34821](#)) issued a NPRM proposing to update the standard for the construction of electric power transmission and distribution installations and make it consistent with the more recently promulgated general industry standard addressing the maintenance and repair of electric power generation, transmission, and distribution lines and equipment. The proposal also makes some miscellaneous changes to both standards, including adding provisions related to host employers and contractors, flame resistant clothing, and training, and updates the construction standard for electrical protective equipment, makes it consistent with the corresponding general industry standard, and makes it applicable to construction generally. The revised standard would include requirements relating to enclosed spaces, working near energized parts, grounding for employee protection, work on underground and overhead installations, work in substations, and other special conditions and equipment unique to the transmission and distribution of electric energy. On 12 October 2005 ([70 FR 59290](#)) OSHA published a notice announcing informal hearings on the proposed standards and extending the comment period.

On 22 October 2008 ([73 FR 62942](#)) OSHA issued a notice of limited reopening of the rulemaking record. After the final post hearing in July 2008, the proposed general industry and construction standards for electrical power generation, transmission and distribution included revised minimum approach distance tables (how close an employee may get to an energized circuit part). This was based on an error in their calculations for certain voltages. Therefore, OSHA is reopening the record on this proposal to obtain comments related to affected minimum approach distances. Comment due date: 21 November 2008.

On 14 September 2009 ([74 FR 46958](#)) OSHA had a second re-opening of the record. Comment due date: 15 October 2009. The most recent Unified Agenda indicated that OSHA was planning a final rule for November 2013.

On 11 April 2014 ([79 FR 20315](#)) OSHA issued a **Final Rule**, which includes new or revised provisions on host employers and contractors, training job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection from electric arcs, de-energizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults. The final rule also revises the general industry and construction standards for electrical protective equipment. This rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. Both the general industry and constructive standards will include new requirements for equipment made of materials other than rubber. Also included is a revision of the general industry standard for foot protection and it removes the requirement for employees to wear protective footwear as protection against electric shock. Effective date: 10 July 2014

**Confined Spaces in Construction (OSHA-2007-0026).** (RIN 1218-AB47; 29 CFR 1926) On 28 November 2007 ([72 FR 67352](#)) OSHA issued an NPRM to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the US Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces. Comment due date: 28 January 2008. On 23 January 2008 ([73 FR 3893](#)) OSHA extended the comment period to 28 February 2008. The most recent Unified Agenda indicates that a final rule is planned for March 2015.

### **Department of Transportation (DOT) / Federal Motor Carrier Safety Administration (FMCSA)**

- **Hours of Service of Drivers; American Trucking Associations (ATA); Application for Exemption. (FMCSA-2013-0470)** (RIN not listed; CFR not listed) On 23 May 2014 ([79 FR 29837](#)) FMCSA issued a Notice of application for exemption with a request for comments. They received an application from the ATA for an exemption from the 14-hour provision of the Agency's hours-of-service regulations to enable certain drivers to exclude the waiting time at a natural gas or oil well site from their calculations of on-duty time. Currently, only specially trained drivers of CMVs that are specially constructed to service oil and natural gas extraction sites may employ this provision. ATA proposes that FMCSA by a limited 2-year exemption that may be renewed, permit exclusion of such waiting time by drivers of CMVs who are exclusively engaged in servicing oil and natural gas extraction sites and have the opportunity to obtain rest while waiting at such sites. Comment due date: 7 July 2014

IADC submitted comments to this on July 6 2014.

- **Coercion of Commercial Motor Vehicle Drivers; Prohibition (FMCSA-2012-0377)** (RIN 2126-AB57; 49 CFR 385, 386 and 390) On 13 May 2014 ([79 FR 27265](#)) FMCSA issued an NPRM, which proposes to adopt regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate CMVs in violation of the Federal Motor Carrier Safety Regulations- including hours-of-service limits and associated drug and alcohol testing rules, or the Hazardous Materials Regulations. The most recent Unified Agenda indicates to analyze comments through September 2015.

- **Electronic Documents and Signatures. (FMCSA-2012-0376).** (RIN 2126-AB47; 49 CFR 370, 371, 375, 376, 378, 379, 387, 389, 390, 391, 395, 396, and 398) On 28 April 2014 ([79 FR 23306](#)) FMCSA issued an NPRM that proposes amendments to its regulations to allow the use of electronic records and signatures to satisfy their regulatory requirements. These changes would permit the use of electronic methods to sign, certify, generate, exchange, or maintain records so long as the documents accurately reflect the info in the record and can be used for their intended purposes. This only applies to records that FMCSA obligate entities or individuals to retain. The most recent Unified Agenda indicates next action as “TBD”

**Medical Examiner’s Certification Integration. (FMCSA-2012-0178).** (RIN 2126-AB40; 49 CFR 383, 384, and 391) On 10 May 2013 ([78 FR 27343](#)) FMCSA issued an NPRM, which would require certified medical examiners (MEs) performing physical exams on CDL holders to use a newly developed Medical Exam Report (MER) form [MCSA-5875], in place of the current MEP form and to use Form MCSA-5876 for the medical examiners certificate (MEC). Additionally, MEs would be required to report the results of all CDL exams (including those found not to be qualified) to FMCSA by close of business on the day of the exam. FMCSA also proposes to transmit electronically driver identification, exam results, and restriction information from the National Registry system to the State driver Licensing Agencies (SDLAs), which would allow enforcement officials the ability to view the most current and accurate info regarding the medical status of a CMV driver. Comment due date: 9 July 2013. The most recent Unified Agenda indicates that a Final Rule is planned for January 2015.

**Hours of Service of Drivers of Commercial Motor Vehicles; Regulatory Guidance for Oilfield Exception. (FMCSA-2012-0183).** (RIN not listed; 49 CFR 395) On 5 June 2012 ([77 FR 33098](#)) FMCSA issued a Notice of regulatory guidance with a request for comments. This notice announces revisions of the regulatory guidance to clarify the applicability of the “Oilfield Operations” exceptions in 49 CFR 395.1(d) to the “Hours of Service of Drivers” regulations, and requests comments on the revision. Effective date: 5 June 2012. Comment due date: 6 August 2012

On 6 August 2012 ([77 FR 46640](#)) FMCSA issue a notice of public listening sessions and an extension of the comment period. The listening sessions will be held on 17 August 2012 in Denver, Colorado, and on 21 August 2012 in Pittsburgh, Pennsylvania. Comment due date (extended): 5 October 2012

On 12 August 2013 ([78 FR 48817](#)) FMCSA issued a Notice of Regulatory Guidance with a response to public comments. On 5 June 2012 FMCSA updated its 1997 regulatory guidance to explain the applicability of “oilfield operations” exceptions in 49 CFR 395.1(d) to the Hours of Service of drivers’ regulations. FMCSA has determined that no further elaboration is needed on the regulatory guidance. However, they will continue to monitor the use of the two HOS exceptions listed in 49 CFR 381. Effective date remains 5 June 2013. There have been no further actions taken on this docket as of June 2014.

IADC submitted comments to this in July 2014.

**Commercial Driver’s License Drug and Alcohol Clearinghouse.** (RIN 2126-AB18; 49 CFR 382) This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver’s license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the database. Prospective employers, acting on an application for a CDL driver position with the applicant’s written consent to access the database, would query the database to determine if any specific information about the driver applicant is in the database before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT’s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. The most recent Unified Agenda indicates that the period for analyzing comments ended in May 2014. The clearinghouse was required to be established by October 2014.

**Electronic Logging Devices and Hours of Service Supporting Documents. (FMCSA-2010-0167)** (RIN 2126-AB20; 49 CFR 385, 390, and 395) On 1 February 2011 ([76 FR 5537](#)) FMCSA issued a NPRM, which proposes to amend the regulations to require certain motor carriers operating commercial motor vehicles in interstate commerce to use electronic on-board recorders (EOBRs) to document their drivers’ hours of service (HOS). All motor carriers that are required to maintain a Records of Duty Status for HOS recordkeeping would be required to use EOBRs to systematically and effectively monitor their drivers’ compliance. Although some subject to the new EOBR requirements would still need to maintain some supporting documents, they would be relieved of the requirements to retain supporting documents to verify driving time. Motor carriers would be given three (3) years after the effective date of the final rule to comply. Comment due date: 4 April 2011.

On 10 March 2011 ([76 FR 13121](#)) FMCSA extended the comment period for this NPRM. Comment due date now: 23 May 2011.

On 28 March 2014 ([79 FR 17655](#)) FMCSA issued an SNPRM with a request for comments.

On 12 May 2014 ([79 FR 26868](#)) FMCSA issued a Notice of Regulatory guidance, which addresses two issues involving roadside inspections of CMVs that are equipped with automatic on-board recording devices (AOBRDs) to assist drivers with HOS recordkeeping and compliance. This guidance explains that AOBRDs were never required to be capable of providing printed records during a roadside inspection. Effective date: 12 May 2014

On 16 May 2014 ([79 FR 28471](#)) FMCSA has issued an SNPRM with an extension of the comment period concerning the electronic logging devices and the Hours of Service supporting documents rulemaking. Comment due date: 26 June 2014.

**National Registry of Certified Medical Examiners (FMCSA-2008-0363).** (RIN 2126-AA97; 49 CFR 390 and 391) On 1 December 2008 ([73 FR 73129](#)) FMCSA issued a NPRM, which proposes to establish and maintain a National Registry of Certified Medical Examiners (NRCME) and to require that all medical examiners, who conduct medical examinations for interstate commercial motor vehicle drivers, complete certain training concerning FMCSA physical qualification standards, pass a test to verify understanding of those standards, and maintain competence by periodic training and testing. Once the NRCME is established, FMCSA would then accept only medical examiner certificates issued by a NRCME certified medical examiner. Comment due date: 30 January 2009.

On 16 March 2011 ([76 FR 14366](#)) FMCSA issued a notice with a request for comments. This is a follow up question to the 2008 NPRM that FMCSA is asking regarding validation that the medical examiner is listed on the national approval list (NRCME) and that this proof is then placed in the CMV driver's record along with their physical results.

On 17 May 2011 ([76 FR 28403](#)) FMCSA issued a notice of availability of draft guidance with a request for comments. The draft guidance is for the core curriculum specifications that could be used by training providers in implementing the proposed rule. Comment due date: 16 June 2011.

On 20 April 2012 ([77 FR 24104](#)) FMCSA issued a **Final Rule**, which established the National Registry of Certified Medical Examiners with the requirements that all medical examiners, who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers, meet designated criteria to be placed on the registry. After the transition period, wherein the medical providers are required to be trained and tested, the National Registry will only accept, as valid, medical examiner certificates issued by a medical examiner that is listed on the National Registry. Effective date: 21 May 2012. Compliance date: 21 May 2014

**Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement (FMCSA-2001-1117).** (RIN 2126-AA70; 49 CFR 383) On 7 November 2003 ([68 FR 63030](#)), FMCA published an **Interim Final Rule**, effective 3 November 2003, that amended the FMCSA regulations prohibiting States from issuing, renewing, transferring or upgrading a CDL with a HME unless the TSA has first conducted a background records check of the applicant and determined the applicant does not pose a security risk warranting denial of the hazardous materials endorsement. The compliance date provisions being revised require States to collect fingerprints from individuals applying for, renewing, upgrading or transferring a hazmat endorsement for a CDL beginning 3 November 2003. On 19 August 2004 ([69 FR 51391](#)), FMCSA published an **Interim Final Rule**, effective 20 September 2004, further extending the date by which States must comply with the TSA regulations to coincide with the new compliance date established by TSA. The new compliance date is 31 January 2005.

On 29 April 2005 ([70 FR 22268](#)) FMCSA issued an **Interim Final Rule**, effective when issued, that amends the Federal Motor Carrier Safety Regulations to cross-reference the TSA's compliance date as the date when FMCSA companion requirements also become applicable. Consistent with TSA regulations, FMCSA also reduced the amount of advance notice that States must provide to drivers that a security threat assessment will be performed when they renew a hazardous materials endorsement. The most recent Unified Agenda indicated that the next action is "to be determined."

## **Environmental Protection Agency (EPA)**

*Note: EPA initiatives are, where appropriate, categorized and listed in association with the source of the legislative authority for the regulatory action, e.g., Clean Air Act. EPA rulemaking dockets can be accessed at the [“regulations.gov”](http://www.regulations.gov) website.*

### **EPA – Toxic Substances Control Act**

**Hydraulic Fracturing Chemicals; Chemical Information Reporting under TSCA section 8(a) and Health and Safety data Reporting under TSCA section 8(d)** (RIN 2070-AJ93; 40 CFR 712 and 716). The recent Unified Agenda indicated that the EPA is considering plans to initiate a proposed rulemaking under TSCA sections 8 (a) & (d) to obtain data on chemical substances and mixtures used in hydraulic fracturing. Although the EPA granted the petitioners’ request to initiate a rulemaking, the agency is not committing to a specific outcome. EPA tends to first develop an ANPRM and initiate a stakeholder process to provide input on the design and scope of the TSCA reporting requirements that would be included in a proposed rule. The most recent Unified Agenda indicates the next action as “undetermined”.

### **EPA – Clean Water Act (CWA) and Oil Pollution Act (OPA)**

**National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule.** (RIN 2040-AF25; CFR not determined) This planned rulemaking by the EPA is to update specific elements of the existing NPDES in order to better harmonize regulations and application forms, improve permit documentation and transparency and provide clarifications to the existing regulations. The focus will be on revising the permit application forms to specifically include all final agency data standards, improve the consistency between the forms, update the applications to better reflect current program practices, and incorporate new program areas into the forms (*i.e.*, cooling water intake structures). The most recent Unified Agenda indicated that an NPRM is planned for July 2015 and a Final Rule planned for March 2016.

**NPDES Electronic Reporting Rule. (SAN No. 5251)** (RIN 2020-AA47; 40 CFR 123, 403, and 501) The EPA has the responsibility to ensure that the CWA NPDES program is effectively and consistently implemented across the country. This planned regulation would identify the essential information that EPA needs to receive electronically, primarily from NPDES permittees, to manage the national NPDES permitting and enforcement program. In the past, EPA primarily obtained information from the Permit Compliance System (PCS). However, the evolution and expansion of the NPDES program, coupled with the significant advances in information technology, has outgrown the PCS and not needs to upgrade to manage the full scope of the NPDES program.

On 30 July 2013 ([78 FR 46005](http://www.federalregister.gov/?date=2013-07-30)) the EPA issued an NPRM that proposes to require electronic reporting for current paper-based NPDES reports. They state that this modification will allow better allocation and use of limited program resources and enhance transparency and public accountability by providing regulatory agencies and the public with more timely, complete, accurate, and nationally-consistent sets of data about the NPDES program and potential sources of water pollution. Comment due date: 28 October 2013.

On 29 October 2013 ([78 FR 64435](http://www.federalregister.gov/?date=2013-10-29)) the EPA issued an extension to the comment period. Revised Comment due date: 12 December 2013. The most recent Unified Agenda indicates that a final action is planned for August 2015.

**Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Carbon Dioxide (CO<sub>2</sub>) Injectate in Geological Sequestration Activities. (EPA-HQ-RCRA-2010-0695)** (RIN 2050-AG60; 40 CFR 261) The planned rulemaking by the EPA is to explore a number of options, including a conditional exemption from the RCRA requirements for hazardous CO<sub>2</sub> streams in order to facilitate implementation of GS, while protecting human health and the environment.

On 8 August 2011 ([76 FR 48073](#)) the EPA published a proposed rule, which proposes to revise the regulations for hazardous waste management under the RCRA to conditionally exclude CO<sub>2</sub> streams that are hazardous from the definition of hazardous waste, provided these streams are captured from emission sources, are injected into Class VI Underground Injection Control (UIC) wells for purposes of geologic sequestration (GS), and meet certain other conditions. EPA expects that this amendment will substantially reduce the uncertainty associated with identifying these CO<sub>2</sub> streams under RCRA Subtitle C, and will also facilitate the deployment of GS by providing additional regulatory certainty. Comment due date: 7 October 2011

On 9 September 2011 ([76 FR 55846](#)) the USCG issued a technical correction to the proposed rule, which rectified the incorrect burden estimates in the preamble of the proposed rule. The most recent Unified Agenda indicates a Final Rule on January 3, 2014 with the Final Rule Effective Date being March 4, 2014.

**Hazardous Waste Management System: Modification of the Hazardous Waste Manifest System. (EPA-HQ-RCRA-2001-0032).** (RIN 2050-AG20; 40 CFR 260 thru 265, and 271) On 26 February 2008 ([73 FR 10204](#)) the EPA published a notice of availability and request for comments regarding the electronic manifest (e-Manifest) project. This project is to develop a centralized web-based information technology system for electronic manifests. Comment due date: 11 April 2008. The most recent Unified Agenda indicates that a final rule was issued on February 7, 2014 with the Final Rule Effective on August 6, 2014.

## **EPA – Clean Air Act (CAA)**

**Nonroad Technical Amendments (EPA-HQ-OAR-2012-0102).** (RIN 2060-AR48; 40 CFR 1039, 1042, and 1068) On 6 February 2014 ([79 FR 7077](#)) the EPA issued a **Final Rule**, which adopted amendments to the technical hardship provisions under the Transition Program for equipment manufacturers related to the Tier 4 standards for nonroad diesel engines, and to the replacement engine exemption generally applicable to new nonroad engines. Effective date: 10 March 2014

**Production, Import and Export. (EPA-HQ-OAR-2013-0263)**(RIN 2060-AR04; 40 CFR 82) On 24 December 2013 ([78 FR 78071](#)) the EPA issued an NPRM, seeking comments on options for adjusting the allowance system controlling US consumption and production of hydrochlorofluorocarbons (HCFC), which are required to be phased out completely by 2030. Beginning 1 January 2015 the US production and consumption of all HCFCs must be no more than ten percent of the established cap. The EPA is therefore seeking comment on how to best implement the 2015 step-down to no more than ten percent of the cap. This rulemaking also seeks comments on the potential changes to the regulations. Comment due date: 24 February 2014. The most recent Unified Agenda indicates that a final rule is effective January 2015.

**National Emission Standards for Hazardous Air Pollutants: General Provisions (OAR-2004-0094).** (RIN 2060-AM75; 40 CFR 63) On 3 January 2007 ([72 FR 69](#)) EPA issued a proposed rule with amendments to the General Provisions to the NESHAP. These amendments would replace the policy described in the 16 May 1995 EPA memorandum entitled, “Potential to Emit for MACT Standards-Guidance on Timing Issues;” and provide that a major source may become an area source at any time by limiting its potential to emit hazardous air pollutants (HAP) to below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAP. Under the proposed amendments, a major source could become an area source at any time, including after the first substantive compliance date of an applicable MACT standard so long as it limits its potential to emit to below the major source thresholds. This proposed rule also revises tables in numerous MACT standards that specify the applicability of General Provisions requirements to account for the regulatory provisions proposed. Comment due date (5 March 2007) extended to 4 May 2007. The Unified Agenda indicated that a final action is “to be determined”

**Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import and Export. (EPA-HQ-OAR-2013-0263)**(RIN 2060-AR04; 40 CFR 82) On 24 December 2013 ([78 FR 78072](#)) the EPA issued an NPRM, seeking comments on options for adjusting the allowance system controlling US consumption and production of hydrochlorofluorocarbons (HCFC), which are required to be phased out completely by 2030. Beginning 1 January 2015 the US production and consumption of all HCFCs must be no more than ten percent of the established cap. The EPA is therefore seeking comment on how to best implement the 2015 step-down to no more than ten percent of the cap. This rulemaking also seeks comments on the potential changes to the regulations. Comment due date: 24 February 2014. The most recent unified agenda indicates a Final Rule is effective January 2015.

**Protection of Stratospheric Ozone; Refrigerant Recycling; Modifications to the Technician**

**Certification Requirements under Section 608 of the Clean Air Act (SAN 4901).** (RIN: 2060-AM55; 40 CFR 82) This rule would amend the Standards for Becoming a Certifying Program for Technicians to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. The amendment will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability. The most recent Unified Agenda indicated that a NPRM is “to be determined.”

**Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for use with Substitute Refrigerants (SAN 4916).** (RIN: 2060-AM49; 40 CFR 82) this rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. It would clarify how the requirements of Clean Air Act Section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

On 12 April 2013 ([78 FR 21871](#)) the EPA issued a proposed rule, which is proposing to amend the regulations promulgated as part of the National Recycling and Emission Reduction Program, to exempt from the prohibition under section 608 on venting, release and disposal certain refrigerant substitutes listed as acceptable or acceptable subject to use conditions in regulations as part of that program. This is based on the current evidence that the venting, release or disposal of these substitutes does not pose a threat to the environment. Comment due date: 11 June 2013. The most recent Unified Agenda indicates that a final rule was issued in May 2014.