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To: "OIRA\_bc\_rpt@omb.eop.gov" <OIRA\_bc\_rpt@omb.eop.gov>

cc:

Subject: AISI Comments re Review of Manufacturing Regulations

On behalf of the American Iron and Steel Institute, please see the attached comments regarding OMB's review of manufacturing regulations. Thank you!

<<OMB submission.pdf>>

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- OMB submission.pdf



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*James D. "Jim" Schultz  
Vice President, Environment  
and Energy*

May 20, 2004

Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)

**Subject: Review of Manufacturing Regulations**

To Whom It May Concern:

The American Iron and Steel Institute is pleased to offer the following list of regulations that deserve review by the Office of Management and Budget because they are no longer current, no longer necessary, or are ineffective as written.

- Initiate a rulemaking or take other action as may be necessary to ban the use of mercury in automobile manufacturing to minimize the impact on the environment.
- Issue an Executive Order or take other actions as may be necessary to establish the BACT threshold numbers at a specific amount/ton of pollutant removed. States are inconsistent in how they enforce this concept/issue with varying numbers, some with no caps at all. Some uniformity needs to be established.
- Issue an Executive Order or take other actions as may be necessary to require EPA to fix the ECHO website, which regularly gives inaccurate information on environmental performance to the community. Accurate data must be entered on a timely basis or the site should be dismantled.
- EPCRA (SARA 313 & 312) reporting is misleading to the public and burdensome. Take the necessary action (such as rulemakings) to make it biennial (313 due one year and 312 due the next), eliminate reports of chemicals to landfills and deep wells, and include only toxics, not criteria pollutants. Encourage EPA to get on with the burden reduction effort.
- With respect to coke oven emissions reporting, take actions as may be necessary to eliminate individual notification of personnel monitoring on cadmium (1910.27) reporting, as it is unnecessary. Also, personnel monitoring for routine work in lead/cadmium areas (1910.1025 and 1910.1027) should be reduced from quarterly to semi-annual, as the work is redundant and protective measures

remain because the work is routine. There is also a need to have OSHA clearly define "routine."

- Regarding the AP 42 Emission factor for evaluation of haul road vehicle emissions, take actions as may be necessary to modify, as the current factor significantly over-predicts emissions, does not take into account vehicle size and does not include a reasonable precipitation allowance for dust suppression.
- OSHA requires employers to provide either guardrails or tie-off protection to workers who must perform their duties 48 inches or greater above the ground (1910.23 and 1910.66). These requirements are infeasible for operations that exist in steel and steel products companies where individuals need to stand on "stacks" of product that have a large surface area in order to rig bundles for crane lifts and similar activities. These rules also affect the loading of product onto truck trailers and railcars that are, with rare exception, over 48 inches above the ground. OSHA's list of "solutions" are to build guardrails around the product stacks, use magnet cranes, or provide safety lines around trailers and railcars, but these solutions are not feasible. Use of fixed guardrails around truck trailers and rail cars is not feasible and would, additionally, create its own serious safety hazard. The use of magnet cranes that do not require a rigger is also infeasible because magnet cannot connect to only a single bundle. Providing safety lines around the stacks, trailers and railcars is infeasible because customer orders necessitate bundles to be in varied stack heights, based on quantity ordered. Finally, because product placement for shipment requires traversing the trailers and railcars, it would require product to move through required safety lines. These rules should provide employers with some flexibility by stating that activities that are over 48 inches above the ground should use either guardrails or tie off protection, "where practical." In situations where their use is not practical, the employers should be permitted to use an alternative practice and to provide appropriate training to the employee.

Thank you for this opportunity and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Schultz". The signature is stylized and somewhat cursive, with a large initial "J" and "S".

James D. Schultz  
Vice President, Environment and Energy