

DEPARTMENT OF LABOR**Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Semiannual Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Semiannual regulatory agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda. In addition, the Department's Regulatory Plan, a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210; (202) 693-5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda.

The next 12-month review list for the Department of Labor is provided below, and public comment is invited on the listing. A brief description of each rule, the legal basis for the rule, and the agency contact are provided with each agenda item.

Occupational Safety and Health Administration

Methylene Chloride (RIN 1218-AC23)

Bloodborne Pathogens (RIN 1218-AC34)

Employee Benefits Security Administration


Plan Assets-Participant Contributions Regulations (RIN 1210-AB11)

In addition, the Department's Regulatory Plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the agenda.

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Department of Labor (DOL)
Employment Standards Administration (ESA)**RIN:** 1215-AB68 [View Related Documents](#)

Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Contractor Notice-Posting by Electronic Means

Abstract: The Office of Federal Contract Compliance Programs requests the withdrawal of this proposed rule. The agency realigned their limited resources to update Construction regulations in support of the American Recovery Reinvestment Act of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-1; 41 CFR 60-4; 41 CFR 60-250; 41 CFR 60-300; 41 CFR 60-741; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 201, 202, 205, 211, 301, 302, and 303 of EO 11246, as amended; 30 FR 12319; 3 CFR 1964 to 1965 Comp, p 339, as amended by EO 11375; 32 FR 14303; 3 CFR 1966 to 1970 Comp, p 684, as amended by EO 12086, 43 FR 46501; 3 CFR 1978 Comp, p 230 and EO 13279, 67 FR 77141; 3 CFR 2002 Comp, p 258; 29 USC 706, 29 USC 793; 38 USC 4211 and 4212 (2001 and 2002); EO 11758, 3 CFR 1971 to 1975 Comp, p 841

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/28/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Bruce Bohanon

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AB70 [View Related Documents](#)

Title: Occupational Exposure to Crystalline Silica

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1971 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and maritime (derived from ACGIH's 1962 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. The American Society for Testing and Materials (ASTM) has published a recommended standard for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL-CIO has also developed a recommended comprehensive program standard. These standards

include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Yes

Unfunded Mandates: State, Local, Or Tribal Governments

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 29 USC 657

Legal Deadline: None

Regulatory Plan:

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur; between 1990 and 1996, 200 to 300 deaths per year are known to have occurred where silicosis was identified on death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer (IARC) has designated crystalline silica as a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune respiratory diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and maritime workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

Legal Basis: The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated and need to be revised to reflect current sampling and analytical technologies.

Alternatives: Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site. The Agency is currently evaluating several options for the scope of the rulemaking.

Costs and Benefits: The scope of the proposed rulemaking and estimates of the costs and benefits are still under development.

Risks: A detailed risk analysis is under way.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/2003	
Initiate Peer Review of Health Effects and Risk Assessment	05/22/2009	
Complete Peer Review	01/00/2010	
NPRM	07/00/2010	


Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AB76 [View Related Documents](#)**Title:** Occupational Exposure to Beryllium

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the Paper Allied-Industrial, Chemical, and Energy Workers Union, Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected work sites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008.

Priority: Economically Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Yes**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request for Information	11/26/2002	67 FR 70707
SBREFA Report Completed	01/23/2008	
Initiate Peer Review of Health Effects and Risk Assessment	03/00/2010	

Regulatory Flexibility Analysis Required: Business**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)**
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AC17 [View Related Documents](#)**Title:** Emergency Response and Preparedness

Abstract: Emergency responder health and safety is currently regulated primarily under the following standards: The fire brigade standard (29 CFR 1910.156); hazardous waste operations and emergency response (29 CFR 1910.120); the respiratory protection standard (29 CFR 1910.134); the permit-required confined space standard (29 CFR 1910.146); and the bloodborne pathogens standard (29 CFR 1910.1030). Some of these standards were promulgated decades ago and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders. Many do not reflect major changes in performance specifications for protective clothing and equipment. Current OSHA standards also do not reflect all the major developments in safety and health practices that have

already been accepted by the emergency response community and incorporated into National Fire Protection Association (NFPA) and American National Standards Institute consensus standards. OSHA will be collecting information to evaluate what action the agency should take. The Request for Information was published on September 11, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	09/11/2007	72 FR 51735
Comment Period End	12/10/2007	
Stakeholder's Meeting	06/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State

Federalism: Undetermined

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC23

 [View Related Documents](#)

Title: Methylene Chloride

Abstract: OSHA will undertake a review of the Methylene Chloride Standard (29 CFR 1910.1052) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State, or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 553; 5 USC 610; 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	12/01/2006	
Request for Comments	07/10/2007	72 FR 37501
Comment Period End	10/09/2007	
Reopen Comment Period	01/08/2008	73 FR 1299
Comment Period End	03/10/2008	
End Review	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No**Federalism:** No**Energy Affected:** No**Agency Contact:** John Smith

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Department of Labor (DOL)**Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC33 [View Related Documents](#)**Title:** Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl

Abstract: On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products including microwave popcorn, certain bakery goods, and some snack foods. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining, the nose, and airways of rats and mice. OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Stakeholder Meeting	10/17/2007	72 FR 54619
ANPRM	01/21/2009	74 FR 3937
ANPRM Withdrawn	03/17/2009	74 FR 11329
ANPRM Comment Period End	04/21/2009	
Completed SBREFA Report	07/02/2009	
Initiate Peer Review of Health Effects and Risk Assessment	10/00/2010	

Regulatory Flexibility Analysis Required: Business**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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

RIN: 1218-AC34

 [View Related Documents](#)

Title: Bloodborne Pathogens (610 Review)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for rule, whether the rule overlaps, duplicates or conflicts with other Federal, State or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was evaluated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1030 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 533; 5 USC 610; 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	10/22/2009	
Request for Comments	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: John Smith

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

RIN: 1218-AC40

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Title: Tree Care Operations

Abstract: In the 11-year period from 1992 through 2002 for which ornamental shrub and tree services fatality data are available from BLS, there were 637 fatalities in the industry, an average of about 58 fatalities per year or a rate of about 93 fatalities per 100,000 employees. To prevent many of these fatalities, OSHA will develop a standard on tree-trimming work, including maintaining and removing trees and brush. OSHA has standards on logging and line-clearance tree trimming that have been applied to activities performed by tree-care workers. Although there is an existing national consensus standard on tree-trimming work, American National Standards Institute Standard ANSI Z133.1-2006, Safety Requirements for Arboricultural Operations, OSHA has no comprehensive standard to address this type of work. The ANPRM requested information on such hazards as electrocution, falls, and struck by falling objects, as well as hazards associated with equipment used in tree-trimming work, including chippers, chain saws, and stump cutters.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 23 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	09/18/2008	73 FR 54118
ANPRM Comment Period End	12/17/2008	
Analyze Record	03/00/2010	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Local**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No

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Department of Labor (DOL)**Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC41 [View Related Documents](#)**Title:** Combustible Dust

Abstract: The Occupational Safety and Health Administration (OSHA) is considering rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety and Hazard Investigation Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. The CSB also recommended the Agency pursue rulemaking on this issue. While a number of OSHA standards address aspects of this risk among these are: 1910.22 Housekeeping, 1910.38 Emergency Action Plans, 1910.94 Ventilation, 1910.107 Spray Finishing, 1910.146 Permit Required Confined Spaces, 1910.269 Electric Power Generation, Transmission and Distribution (coal handling), 1910.272 Grain Handling Facilities, 1910.307 Hazard Communication), the Agency does not have a comprehensive standard that addresses combustible dust hazards. The Agency has published a Safety and Health Information Bulletin, Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions, and has implemented a Combustible Dust National Emphasis Program (NEP). OSHA will also use information gathered from the NEP as the agency considers future rulemaking.


Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910, subpart H (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 6559(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	10/21/2009	74 FR 54333
Stakeholder Meetings	12/00/2009	
ANPRM Comment Period End	01/19/2010	

Additional Information: OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on October 21, 2009, and plans to hold stakeholder meetings in December 2009.

Regulatory Flexibility Analysis**Required:** Undetermined**Federalism:** No**Energy Affected:** No

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Government Levels Affected: Undetermined**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC46 [View Related Documents](#)**Title:** Airborne Infectious Diseases

Abstract: Employees in health care and other high-risk environments face long-standing respiratory hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations or who are exposed in other high-risk environments are at increased risk of contracting tuberculosis, SARS, and other airborne infectious diseases which are spread through respiratory secretions which are exhaled or expelled through coughing, sneezing, etc. and can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from airborne infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency responses, correctional facilities, homeless shelters, drug treatment programs and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners and mortuaries.

Priority: Economically Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669; 29 USC 673; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request for Information	03/00/2010	

Regulatory Flexibility Analysis**Required:** Undetermined**Federalism:** Undetermined**Energy Affected:** No


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Government Levels Affected: Undetermined

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

RIN: 1218-AB47

 [View Related Documents](#)

Title: Confined Spaces in Construction

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (29 CFR 1910.146). This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1926.36 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 40 USC 333

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Panel Report	11/24/2003	
NPRM	11/28/2007	72 FR 67351
NPRM Comment Period End	01/28/2008	
NPRM Comment Period Extended	02/28/2008	73 FR 3893
Public Hearing	07/22/2008	
Close Record	10/23/2008	
Analyze Comments	03/00/2010	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1218-AB80

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Title: Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

Abstract: In 1990, OSHA proposed a rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology. OSHA published a notice to re-open the rulemaking for comment on a number of issues raised in the record for the NPRM. As a result of the comments received on that notice, OSHA has determined that the rule proposed in 1990 is out-of-date and does not reflect current industry practice or technology. The Agency will develop a new proposal, modified to reflect current information, as well as re-assess the impact.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910, subparts D and I (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Reopen Record	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	
Second NPRM	03/00/2010	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC19 [View Related Documents](#)**Title:** Standards Improvement

Abstract: OSHA is continuing its efforts to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. This effort builds upon the success of the Standards Improvement Project (SIP) Phase I published on June 18, 1998 (63 FR 33450), and Phase II published on January 5, 2005 (70 FR 1111). The Agency believes that such changes can reduce compliance costs and reduce the paperwork burden associated with a number of its standards. The Agency will only consider such changes if they do not diminish employee protections. To initiate the project, OSHA published an advance notice of proposed rulemaking (ANPRM) on December 21, 2006, to solicit input from the public on rules that may be addressed in Phase III of SIP. The Agency plans to include both safety and health topics in Phase III.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	12/21/2006	71 FR 78623
Analyze Record	04/30/2007	
NPRM	02/00/2010	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** No

Energy Affected: No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AC20 [View Related Documents](#)**Title:** Hazard Communication

Abstract: OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets to convey the hazards and associated protective measures to users of the chemicals. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including labels on containers, material safety data sheets (MSDS), and training for employees. Within the United States (U.S.), there are other Federal agencies that also have requirements for classification and labeling of chemicals at different stages of the life cycle. Internationally, there are a number of countries that have developed similar laws that require information about chemicals to be prepared and transmitted to affected parties. These laws vary with regard to the scope of substances covered, definitions of hazards, the specificity of requirements (e.g., specification of a format for MSDSs), and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough that different labels and safety data sheets must often be used for the same product when it is marketed in different nations. The diverse and sometimes conflicting national and international requirements can create confusion among those who seek to use hazard information. Labels and safety data sheets may include symbols and hazard statements that are unfamiliar to readers or not well understood. Containers may be labeled with such a large volume of information that important statements are not easily recognized. Development of multiple sets of labels and safety data sheets is a major compliance burden for chemical manufacturers, distributors, and transporters involved in international trade. Small businesses may have particular difficulty in coping with the complexities and costs involved. As a result of this situation, and in recognition of the extensive international trade in chemicals, there has been a long-standing effort to harmonize these requirements and develop a system that can be used around the world. In 2003, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Countries are now adopting the GHS into their national regulatory systems. OSHA is considering modifying its HCS to make it consistent with the GHS. This would involve changing the criteria for classifying health and physical hazards, adopting standardized labeling requirements, and requiring a standardized order of information for safety data sheets.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** Private Sector

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.1200; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21
(To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transporters involved in international trade. Adoption of the GHS would facilitate international trade in chemicals, reduce the burdens caused by having to comply with differing requirements for the same product, and allow companies that have not had the resources to deal with those burdens to be involved in international trade. This is particularly important for small producers who may be precluded currently from international trade because of the compliance resources required to address the extensive regulatory requirements for classification and labeling of chemicals. Thus every producer is likely to experience some benefits from domestic harmonization, in addition to the benefits that will accrue to producers involved in international trade. Most importantly, comprehensibility of hazard information and worker safety will be enhanced as the GHS will: (1) provide consistent information and definitions for hazardous chemicals; (2) address stakeholder concerns regarding the need for a standardized format for material safety data sheets; and (3) increase understanding by using standardized

pictograms and harmonized hazard statements. The increase in comprehensibility and consistency will reduce confusion and thus improve worker safety and health. Several nations, including the European Union, have adopted the GHS with an implementation schedule through 2015. U.S. manufacturers, employers, and employees will be at a disadvantage in the event that our system of hazard communication is not compliant with the GHS.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/2006	71 FR 53617
ANPRM Comment Period End	11/13/2006	
Complete Peer Review of Economic Analysis	11/19/2007	
NPRM	09/30/2009	74 FR 50279
NPRM Comment Period End	12/29/2009	
Hearing	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: Yes

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC27

 [View Related Documents](#)

Title: Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach

Abstract: The Occupational Safety and Health Administration is proposing to adjust the methodology it uses to establish the fees that the Agency charges for the services it provides to Nationally Recognized Testing Laboratories (NRTLs). A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by an organization that has been recognized by OSHA. OSHA requires NRTL applicants to provide detailed and comprehensive information about their programs, processes, and procedures in writing when they apply. OSHA reviews the written information and conducts an on-site assessment to determine whether the organization meets the requirements of 29 CFR 1910.7. OSHA uses a similar process when an NRTL applies for expansion or renewal of its recognition. In addition, the Agency conducts annual audits to ensure that the recognized laboratories maintain their programs and continue to meet the recognition requirements. In 2000, OSHA began charging NRTLs for the services it provides them. The services are processing of NRTL applications and audits of NRTL operations, and they define the fundamental functions of the NRTL Program. OSHA has determined that its current NRTL fee schedule does not recoup the full costs of the services performed because it does not recover certain indirect costs of those services. These indirect costs stem from attendant activities and accrue to the benefit of those services. OSHA's proposed fee schedule would account for these indirect costs. In determining the revised fee structure, OSHA will follow the guidelines established by the Office of Management and Budget in Circular Number A-25. The proposed schedule will require prepayment of all the fees, which complies with the circular and changes the timing of the payment of many of the fees.

Priority: Info./Admin./Other**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.7(f) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 653; 29 USC 655; 29 USC 657; 31 USC 9701**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2009	
NPRM Comment Period End	02/00/2010	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Mary Ann Garrahan

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E-Mail: garrahan.maryann@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC32 [View Related Documents](#)**Title:** Cooperative Agreements

Abstract: OSHA proposes to revise its regulations for the federally funded On-site Consultation Program to: a) clarify the ability of the Assistant Secretary to define sites which would receive inspections regardless of Safety and Health Achievement Recognition Program (SHARP) exemption status; b) allow Compliance Safety and Health Officers to proceed with enforcement visits resulting from referrals at sites undergoing Consultation visits and at sites that have been awarded SHARP status and c) limit the deletion period from OSHA's programmed inspection schedule for those employers participating in the SHARP program. Note: SHARP is a recognition program that OSHA administers to provide incentives and support for small employers to develop, implement, and continuously improve effective safety and health programs at their worksites.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1908 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 656 and 657; 29 USC 670**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2010	
NPRM Comment Period End	04/00/2010	
Final Rule	08/00/2010	
Final Rule Effective	10/00/2010	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Public Comment URL:** ecomments.osha.gov**Agency Contact:** Larry Liberatore

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

RIN: 1218-AC43

 [View Related Documents](#)

Title: Occupational Exposure to Hexavalent Chromium; Final Rule Remand

Abstract: On February 28, 2006, OSHA published a final rule for Occupational Exposure to Hexavalent Chromium (Cr(VI)) (29 CFR 1910.1026, 29 CFR 1915.1026, 29 CFR 1926.1126). Public Citizen Health Research Group (Public Citizen) and other parties petitioned for review of the standard in the United States Court of Appeals for the Third Circuit. The court denied the petitions for review on all but one issue. The Third Circuit remanded the employee notification requirements in the standard's exposure determination provisions for further consideration. More specifically, the court directed the Agency to provide an explanation for its decision to limit employee notice requirements to circumstances in which Cr(VI) exposures exceed the permissible exposure limit (PEL) or to take other appropriate action with respect to that paragraph of the standard. After carefully reviewing the rulemaking record on this issue, OSHA has decided to revise the notification requirements, by means of this direct final rule, to require employers to notify employees of the results of all exposure determinations, regardless of exposure level.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1026(d)(4); 29 CFR 1915.1026(d)(4); 29 CFR 1926.1126(d)(4) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Respond to Remand	09/30/2009	
Direct Final Rule	02/00/2010	
NPRM	02/00/2010	

Additional Information: This regulation was previously report as 1218-AB45. A NPRM was published 10/4/2004 (69 FR 53905), and a final was published 2/28/2006 (71 FR 10100).

Regulatory Flexibility Analysis Required: No


Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1218-AB45

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AC45 [View Related Documents](#)**Title:** Occupational Injury and Illness Recording and Reporting Requirements

Abstract: The Occupational Safety and Health Administration (OSHA) issued a final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, January 19, 2001), that became effective January 1, 2002. After a regulatory review, the Agency determined that two provisions of the final rule would be delayed and reconsidered; the recording of occupational hearing loss (1904.10) and the recording of work-related musculoskeletal disorders (WMSDs) (1904.12) (66 FR 35113, July 3, 2001). Subsequently, OSHA issued a final 1904.10 regulation setting recording criteria for occupational hearing loss (67 FR 44037, July 1, 2002). Following notice and comment, OSHA published another final rule to remove the WMSD recording provisions from the regulation and remove a separate column for identifying WMSDs from the OSHA 300 Log of Work-Related Injuries and Illness (68 FR 38601, June 30, 2003). OSHA has reconsidered the need for a 300 Log column for WMSD, and for defining "musculoskeletal disorders" for recordkeeping purposes. The Agency believes that additional data on WMSDs may help employers and workers track these injuries at individual workplaces, and that the Nation's occupational injury and illness information may benefit from improved statistics on WMSD. Improved WMSD information might also assist the Agency in its day-to-day activities and overall safety and health policymaking. Therefore, OSHA is developing a proposed rule to add a definition of WMSD to 29 CFR part 1904 and a separate column on the 300 Log to track this class of injury/illness.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2010	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AB50 [View Related Documents](#)**Title:** General Working Conditions for Shipyard Employment

Abstract: During the 1980s, OSHA initiated a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, ship repair, and shipbreaking industries. Publication of a proposal addressing general working conditions in shipyards is part of this project. The operations addressed in this rulemaking relate to general working conditions such as housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 100,000 workers are potentially exposed to these hazards annually. The proposed rule was published December 20, 2007.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 29 CFR 1915, subpart F (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 29 USC 655(b); 33 USC 941

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2007	72 FR 72451
NPRM Comment Period End	03/19/2008	
Public Hearings Held--September 9-10, 2008	06/30/2008	73 FR 36823
Public Hearings Held--October 21-22, 2008	09/19/2008	73 FR 54340
Public Hearing Comment Period End	02/20/2009	
Analyze Record	07/31/2009	
Final Action	09/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

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Government Levels Affected: No

Federalism: No

Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AB67

 [View Related Documents](#)

Title: Electric Power Transmission and Distribution; Electrical Protective Equipment

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held March 6 to 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific range of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard.

Priority: Economically Significant

Major: Yes

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.136 to 1910.137; 29 CFR 1910.269; 29 CFR 1926, subpart V; 29 CFR 1926.97 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 655(b); 40 USC 333

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/2003	

NPRM	06/15/2005	70 FR 34821
NPRM Comment Period End	10/13/2005	
Public Hearing To Be Held 03/06/2006	10/12/2005	70 FR 59290
Comment Period Extended to 01/11/2006	10/12/2005	70 FR 59290
Post-Hearing Comment Period End	07/14/2006	
Reopen Record	10/22/2008	73 FR 62942
Comment Period End	11/21/2008	
Close Record	11/21/2008	
Second Reopening Record	09/14/2009	74 FR 46958
Comment Period End	10/15/2009	
Public Hearings	10/28/2009	
Post-Hearing Comment Period End	02/00/2010	
Final Action	09/00/2010	

Regulatory Flexibility Analysis Required: Business **Government Levels Affected:** Local

Federalism: No

Energy Affected: No

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

RIN: 1218-AC01

 [View Related Documents](#)

Title: Cranes and Derricks in Construction

Abstract: A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used. In 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333

Legal Deadline: None

Regulatory Plan:

Statement of Need: There have been considerable technological changes since the consensus standards upon which the 1971 OSHA standard is based were developed. In addition, industry consensus standards for derricks and crawler, truck and locomotive cranes were updated as recently as 2004. The industry indicated that over the past 30 years, considerable changes in both work processes and crane technology have occurred. There are estimated to be 64 to 89 fatalities associated with cranes each year in construction, and a more up-to-date standard would help prevent them.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 USC 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action and not update the standards in 29 CFR 1926.550 pertaining to cranes and derricks.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/2002	67 FR 46612
Comment Period End	09/16/2002	
Request for Comments on Proposed Committee Members	02/27/2003	68 FR 9036
Request for Comments Period End	03/31/2003	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/2003	68 FR 35172
Rulemaking Negotiations Completed	07/30/2004	
SBREFA Report	10/17/2006	
NPRM	10/09/2008	73 FR 59714
NPRM Comment Period Extended	12/02/2008	73 FR 73197
NPRM Comment Period End	01/22/2009	
Public Hearing	03/20/2009	
Close Record	06/18/2009	
Final Rule	07/00/2010	

Regulatory Flexibility Analysis Required: Business **Government Levels Affected:** Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1218-AC09

 [View Related Documents](#)

Title: Explosives

Abstract: The OSHA regulations for explosives and blasting agents were published in 1974. Two trade associations representing many of the employers subject to this rule have petitioned the Agency to consider revising it, and have recommended changes they believe address the concerns they are raising. OSHA published a proposed rule on April 13, 2007, and ended the comment period on July 17, 2007. The Agency has since decided to withdraw the proposed rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.109 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/13/2007	72 FR 18791
NPRM Comment Period Extended to September 10, 2007	07/09/2007	72 FR 37155
NPRM Comment Period End	07/17/2007	72 FR 39041
NPRM Comment Period End	07/12/2007	
Withdraw	12/00/2009	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Government Levels Affected:** Undetermined**Federalism:** No**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC25 [View Related Documents](#)**Title:** Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes

Abstract: Section 629, the employee protection provision of the Energy Policy Act of 2005, amended the Energy Reorganization Act of 1978, 42 U.S.C. section 5851. The amendments add Department of Energy and Nuclear Regulatory Commission employees to the employees covered under the Act, as are contractors and subcontractors of the Commission. In addition, Congress added a "kick-out" provision allowing the complainant to remove the complaint to District Court if the Secretary of Labor has not issued a final decision within a year of the filing of the complaint. These are significant changes to the ERA, necessitating immediate revision of the regulations, 29 CFR part 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes, which governs whistleblower investigations under the Energy Reorganization Act of 1978 as well as under the six EPA statutes.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 24 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 15 USC 2622; 33 USC 1367; 42 USC 300J-9(i); 42 USC 5851; 42 USC 6971; 42 USC 7622; 42 USC 9610**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/10/2007	72 FR 44956
Interim Final Rule Comment Period End	10/09/2007	
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Energy Affected:** No**Agency Contact:** Nilgun Tolek

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Government Levels Affected: No**Federalism:** No**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC36

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Title: Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Rail Safety Act

Abstract: OSHA will implement procedures for the handling and investigation of retaliation complaints pursuant to section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This Act amended the Federal Rail Safety Act (FRSA), to establish a new whistleblower protection provision to be administered by OSHA that provides protections from retaliation to employees working for railroad carriers and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will implement procedures for the handling and investigation of retaliation complaints pursuant to section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 1413, known as the National Transit Systems Security Act (NTSSA), included a new whistleblower protection provision to be administered by OSHA that provides protection from retaliation to employees of public transportation agencies and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will amend 29 CFR 1978, the procedures applicable to the handling and investigation of whistleblower complaints under the Surface Transportation Assistance Act (STAA), 49 U.S.C. 31105, to implement statutory changes enacted by Congress under section 1536 of the Implementing Recommendations of the 9/11 Commission Act of 2007, and to provide other procedural updates as needed. The statute provides retaliation protection to employees working for commercial motor carriers who report potential violations or engage in certain activities related to safety and security. Pursuant to these statutes, the rules will set forth the procedures for handling and investigating retaliation complaints, including a statutory "kick-out" provision allowing the complainant to file the complaint in District Court if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint. Immediate implementation of these regulations is necessitated to govern whistleblower investigations conducted under the new and revised statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1978 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-53, sec 1521, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 20109; PL 110-53, sec 1413, The Implementing Recommendations of the 9/11 Commission Act of 2007; PL 110-53, sec 1536, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 31105; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC39

 [View Related Documents](#)

Title: Abbreviated Portacount® Quantitative Fit-Testing Protocol

Abstract: Appendix A of OSHA's Respiratory Protection Standard (29 CFR 1910.134) specifies the procedure for adding new test protocols to this standard. OSHA proposes to include two additional protocols for the PortaCount® quantitative fit testing methodology in its Respiratory Protection Standard; the proposed protocols would apply to employers in general industry, shipyard employment, and the construction industry. The revised PortaCount® quantitative fit testing protocols are referred to as the Revised PortaCount® Quantitative Fit Test Protocol 1 and Protocol 2. The only difference between the proposed revised

PortaCount® Protocol 1 and the approved PortaCount® protocol is that the revised Protocol 1 requires that the seven test exercises be performed for 30 seconds instead of the 60 seconds per test currently required. The revised Protocol 2 would reduce exercise time to 40 seconds instead of the currently required 60 seconds, eliminate two of the eight fit testing exercises, and would raise the pass/fail criterion from 100 to 200 for half-masks and 500 to 1,000 for full facepieces.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.134 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/21/2009	74 FR 3526
NPRM Comment Period End	03/23/2009	
Analyze Record	06/30/2009	
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC47

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Title: Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008

Abstract: OSHA is proposing to promulgate procedures for the handling and investigation of retaliation complaints pursuant to Section 219 of the Consumer Product Safety Improvement Act of 2008. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the consumer product industry, including employees of manufacturers, importers, private labelers, distributors and retailers, who report reasonably believed violations of the Consumer Product Safety Act or any other Act enforced by the Consumer Product Safety Commission, or any order, rule, regulation, standard or ban under those Acts. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions, and a "kick-out" provision allowing the complainant to file the complaint in District Court if within 210 days of the filing of the complaint the Secretary has not issued a final determination, or within 90 days after receiving a written determination. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1983 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-314, sec 219, the Consumer Product Safety Improvement Act of 2008; 15 USC 2087

Legal Deadline: None

Timetable:

Action	Date	FR Cite
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Interim Final Rule

06/00/2010

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Nilgun TolekDirector, Office of the Whistleblower Protection Program
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Department of Labor (DOL)**Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AB89 [View Related Documents](#)**Title:** Hearing Conservation Program for Construction Workers

Abstract: OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise-exposed workers in general industry in 1983. However, no rule was promulgated to cover workers in the construction industry. A number of recent studies have shown that many construction workers experience work-related hearing loss. In addition, the use of engineering, administrative, and personal protective equipment to reduce exposures to noise is not extensive in this industry. OSHA published an advance notice of proposed rulemaking to gather information on the extent of noise-induced hearing loss among workers in different trades in this industry, current practices to reduce this loss, and additional approaches and protections that could be used to prevent such loss in the future. Work continues on collecting and analyzing information to determine technological and economic feasibility of possible approaches.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1926.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b); 40 USC 333**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/05/2002	67 FR 50610
ANPRM Comment Period End	11/04/2002	
Stakeholder Meetings	03/24/2004	
Additional Stakeholder Meeting	07/21/2004	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Local; State**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy DoughertyDirector, Directorate of Standards and Guidance
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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AC22 [View Related Documents](#)**Title:** Revision and Update of Standards for Power Presses


Abstract: The Occupational Safety and Health Administration's (OSHA) mechanical power press standard (29 CFR 1910.217) protects employees from injuries that result from working with or around mechanical power presses through the use of machine guards (prevents hands in danger zone) and through limitations on initiation of a press cycle (either two-hand or foot-operated). A presence-sensing device (PSD), typically a light curtain, initiates a press cycle only when the system indicates that no objects, such as a hand, are within the hazard zone. OSHA adopted the use of presence-sensing device initiation (PSDI) on mechanical power presses believing that the provision would substantially protect workers and improve productivity. However, OSHA requires PSDI systems to be validated by an OSHA-certified third party, and no organization has agreed to validate PSDI installations. OSHA performed a look-back review of PSDI and determined that the current ANSI standard permits PSDI without independent validation but includes other provisions to maintain PSDI safety. Based on the look-back review of PSDI (69 FR 31927), OSHA is planning to revise and update the standard on power presses, which currently covers only mechanical power presses. OSHA is currently planning to base the revision of the Mechanical Power Presses standard on the most recent version of the American National Standards Institute standard on Mechanical Power Presses, ANSI B11.1. Further, OSHA is considering expanding the standard to cover other presses such as hydraulic and pneumatic power presses and to include the latest guarding techniques. This revision will provide the first major update of the Mechanical Power Presses Standard since it was originally published in 1971.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.217 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	06/04/2007	72 FR 30729
ANPRM Comment Period End	08/03/2007	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)**RIN:** 1218-AC08 [View Related Documents](#)**Title:** Updating OSHA Standards Based on National Consensus Standards

Abstract: Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were

incorporated by reference. In the more than 30 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multi-year project to update these standards. A notice describing the project was published in the Federal Register on November 24, 2004 (69 FR 68283). The first final rule was published on September 13, 2005. Several additional sets of standards are in preparation. An NPRM on Personal Protective (PPE) consensus standards was published on August 31, 2007, with a hearing on December 4, 2007. A direct final rule (DFR) on Miscellaneous Changes and Welding Definitions was published on December 14, 2007. In the next phase of the project, OSHA intends to publish a DFR to update consensus standards referenced for acetylene, and issue a final rule on the PPE consensus standards.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917 and 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/24/2004	69 FR 68706
Direct Final Rule	11/24/2004	69 FR 68712
NPRM Comment Period End	12/27/2004	69 FR 68706
Withdraw Direct Final Rule	02/18/2005	70 FR 8290
Direct Final Rule Effective Date	02/22/2005	
Final Rule	09/13/2005	70 FR 53925
Final Rule Effective	11/14/2005	
NPRM	05/17/2007	72 FR 27771
NPRM Comment Period End	06/16/2007	
Public Hearing PPE Held--December 4, 2007	08/31/2007	72 FR 50302
NPRM (Acetylene)	08/11/2009	74 FR 40450
Direct Final Rule (Acetylene)	08/11/2009	74 FR 40442
Final Rule (PPE)	09/09/2009	74 FR 46350
NPRM Comment Period End (Acetylene)	09/10/2009	74 FR 40450
Final Rule Effective (PPE)	10/09/2009	74 FR 46350
Direct Final Rule Effective (Acetylene)	11/09/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC29

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Title: Abbreviated Bitrix Qualitative Fit-Testing Protocol

Abstract: The Occupational Safety and Health Administration (OSHA) published the revised standard for respiratory protection on January 8, 1998. Appendix A of this standard currently lists four challenge agents permitted for use in qualitative fit

testing protocols; these include isoamyl acetate, saccharin aerosol solution, irritant smoke, and Bitrix (denatonium benzoate). The standard also includes procedures that allow parties to submit new fit testing protocols for notice-and-comment rulemaking under section 6(b)(7) of the Occupational Safety and Health Act. OSHA has been requested to consider adding a new fit testing protocol that modifies the existing Bitrix protocol, and is undergoing rulemaking to seek public comment and determine whether to amend the fit testing provisions of the standard to include the proposed protocol. The NPRM was published on December 26, 2007. OSHA withdraw the proposed rule on June 25, 2009 (74 FR 30250).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.134 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/26/2007	72 FR 72971
NPRM Comment Period End	02/25/2008	
Withdrawal of NPRM	06/25/2009	74 FR 30250

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC44

 [View Related Documents](#)

Title: Illinois State Plan for Public Employees Only--Initial State Plan Approval

Abstract: OSHA will propose to grant initial State Plan approval, under section 18 of the Occupational Safety and Health Act and 29 CFR 1956, to the Illinois State Plan for Public Employees Only as submitted by the Illinois Department of Labor. The plan proposes to establish a program for the adoption and enforcement of standards applicable only to the employees of the State of Illinois and its political subdivisions (local government employees) within a 3-year developmental period, which will be at least as effective as Federal OSHA's private sector protection program. Written public comment has been sought on whether initial State plan approval should be granted and an opportunity to interested persons to request an informal public hearing, prior to final action granting initial approval of a developmental State Plan. Initial approval of the Illinois Public Employee Only State plan is based upon a determination that the plan meets, or will meet within three years, OSHA's initial plan approval criteria and the availability of Federal (50%) and State (50%) matching funds.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1956 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 26 USC 667

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/10/2009	74 FR 33189
NPRM Comment Period End	08/10/2009	

Final Action Effective	09/01/2009	74 FR 45107
Final Action	09/01/2009	74 FR 45107

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local; State**Federalism:** No**Agency Contact:** Barbara E. Bryant

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Department of Labor (DOL)**Mine Safety and Health Administration (MSHA)****RIN:** 1219-AB48 [View Related Documents](#)**Title:** Coal Mine Respirable Dust; Continuous Personal Dust Monitor (CPDMs)

Abstract: On June 24, 2003, MSHA announced that all work on its Plan Verification and Single-Sample Respirable Coal Mine Dust final rules would cease and the rulemaking record would remain open in order to obtain information concerning Continuous Personal Dust Monitors (CPDMs) being tested by NIOSH. A Federal Register notice was published on July 3, 2003, extending the comment periods indefinitely. NIOSH issued a report on the CPDM in September 2006, and another report concerning test results in June 2007. MSHA will solicit public input on potential applications of this new monitoring technology in coal mines.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 30 USC 811**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request for Information	10/14/2009	74 FR 52708
Request for Information Comment Period End	12/14/2009	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/regsinfo.htm**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1219-AB14; Related to 1219-AB18**Agency Contact:** Patricia W. Silvey

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